



Dean Moor Solar Farm

Applicant Response to Local Impact Report

on behalf of **FVS Dean Moor Limited**

30 September 2025
Prepared by: Broadfield
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Firma Energy

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DEAN MOOR SOLAR FARM
APPLICANT RESPONSE TO CUMBERLAND COUNCIL'S
LOCAL IMPACT REPORT
PLANNING INSPECTORATE REFERENCE EN010155
PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED

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1 Introduction

1.1 Overview

- 1.1.1 This Applicant Response to the Local Impact Report (LIR) ('ARLIR-1') [D3.7] has been produced for FVS Dean Moor Limited (the 'Applicant') to support the application for a Development Consent Order (the 'DCO application') for Dean Moor Solar Farm ('the Proposed Development') located between the villages of Gilgarran and Branthwaite in West Cumbria (the 'Site'), which is situated within the administrative area of Cumberland Council ('the Council').
- 1.1.2 This document sets out the responses from the Applicant to the Council's LIR [REP2-058] submitted at Deadline 2 (D2) (the 'D2 submissions') in relation to the DCO application for the Proposed Development.

1.2 Overview and Structure of this Document

- 1.2.1 This ARLIR is divided into tables which correspond to the structure of the LIR. The Applicant has sought to respond to all material points raised by the Council by copying them directly or summarising them in the tables within Section 2. However, the Applicant has not reproduced all representations in full, nor responded to every individual item to reduce the length of this document. Where the Council have highlighted a specific part of a policy within the LIR, for example in relation to Policy S3, this has been quoted within the table, but generally policies referenced have not been fully quoted.
- 1.2.2 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.
- 1.2.3 Section 3.2, Table 3.1 of the Policy Compliance Document (PCD) [APP-027] sets out the Proposed Development's compliance with local policy.

Cross references have been provided to the Planning Statement (PS) [AS-10] and the PCD where relevant to avoid duplication.

- 1.2.4 The LIR and the Cumberland Council draft Statement of Common Ground (dSoCG) [REP2-12] cover many of the same points. Where relevant, the Applicant has indicated where a point raised in the LIR is agreed within the dSoCG, and where the dSoCG will be updated to reflect the updated position between both parties as a result of comments made within the LIR.
- 1.2.5 This ARLIR is supported by the following appendices:
- Appendix A: Cumulative Assessment Note;
 - Appendix B: Table of Surveyors' Experience; and
 - Appendix C: Local Impact Report / Shadow Habitat Regulation Assessment Response from Tetratex
- 1.2.6 Appendix A has been provided in response to the 31 additional potential cumulative schemes identified by the Council and shared with the Applicant in August 2025 to undertake a proportionate cumulative assessment of these schemes for each technical topic.
- 1.2.7 Appendix B is provided in response to the Council's comments in relation to in Table 2.9 (Ref 12.8.3 and 12.9.19) in relation to the qualifications of the surveyors.
- 1.2.8 Table 2.9 'Ecology and Biodiversity' of this ARLIR provides the Applicant's response to the comments made by Tetratex on behalf of the Council. The Applicant provided a draft of this table to Tetratex and discussed the matters raised with Tetratex and the Council on 10 September 2025. The outcome of these discussions is reflected within Appendix C, which was received by the Applicant on 15 September 2025. The outcomes of these discussions are also reflected in the dSoCG as 'matters agreed'.
- 1.2.9 The content of Table 2.8 'Landscape and Visual Impacts' has been discussed with the Council and Galpin Landscape Architects. Cross reference is made in this document to the dSoCG, where the outcomes of these discussions are summarised.

2 Applicant Response to Council's Local Impact Report

Table 2.1: Relevant Planning History (Section 4)

Ref	Matter Raised	Applicant Response
4.1	<i>The LIR relies on the Applicant's list of relevant planning history relating to the site and surroundings in the Planning Statement (ES) Relevant Planning History</i>	Noted.

Table 2.2: Cumulative Impacts (Section 5)

Ref	Matter Raised	Applicant Response
5.1	<i>List of Cumulative Schemes is set out in ES Table 2.6 Cumulative Schemes. The Council has since supplied an updated list of sites which is currently being reviewed by the Applicant</i>	The Applicant received a list of 31 additional schemes from the Council in August 2025 and has undertaken a proportionate cumulative assessment of these schemes for each EIA topic. A Cumulative Assessment Note which considers these schemes is included at Appendix A of this ARLIR which is supported by a revision to ES Figure 2.1 Cumulative Schemes within 10km of Order Limits (formerly APP-044 , now D3.17)
5.2	<i>The Site is adjacent to the potential 'Lostrigg Solar' proposals. It is at the northwest of the Site, along Branthwaite Road. The Lostrigg Solar scheme is to be pursued in the future under the Town and Country Planning Act as a planning application</i>	The Applicant is aware that Lostrigg Solar have withdrawn their DCO application. The Applicant will continue to liaise with Lostrigg Solar if they make a TCPA application. This could not come forward until after the changes to the DCO thresholds (increasing it to 100MW) come into effect in January 2026 as a result of the Infrastructure Planning (Onshore Wind and Solar Generation) Order 2025 ¹
5.3	<i>The Council reserves its position to make more detailed commentary on cumulative effects, explaining that whilst not committed developments at that point, one other substantial solar farm may progress within the Borough (and into neighbouring authorities).</i>	Noted.

¹SI 2025/694

Table 2.3: Legislative and Policy Context and Corporate Priorities (Section 6)

Ref	Matter Raised	Applicant Response
6.1	<i>The legislative basis for the proposed development is set out within the Planning Act 2008, which defines the process under which consent for Nationally Significant Infrastructure Projects are determined. The details have identified and considered the relevant legislation and guidance and is set out in the ES 1.7 and 1.8.</i>	Noted.
6.2	<i>In accordance with Section 104(2)(d) of the Planning Act 2008, the NPPF is capable of being “important and relevant”. Paragraph 5 of the NPPF states that the Framework does not contain specific policies for nationally significant infrastructure projects and that applications for NSIP are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the NPPF).</i>	Noted.
6.3	<i>The NPPF does, however, state that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (paragraph 161)</i>	Noted.
6.4	<i>Whilst not determinative under the Planning Act 2008, the ExA can consider other important and relevant matters, including local planning policy. As of 1 April 2023, Allerdale Borough Council (‘ABC’) merged with Copeland Borough Council, Carlisle City Council and Cumbria County Council to become Cumberland Council (the ‘Council’), which is now the administrative authority within which the Site is located. The Site is located within the former</i>	<p>The Applicant identifies the Allerdale Local Plan Part 1 (LPP1) and Allerdale Local Plan Part 2 (LPP2) as relevant to the Proposed Development as set out in Paragraph 4.7.15 of the Planning Statement (PS) [AS-10].</p> <p>The DCO application has also had regard to the policies of the Copeland Borough Council (CBC) Local Plan (2021-2039)² and the Lake District National Park (LDNP)</p>

² Copeland Borough Council (CBC) (2024). Copeland Local Plan 2021-2039. CBC.

Ref	Matter Raised	Applicant Response
	<i>administrative boundary of ABC. For the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for Cumberland (Allerdale area) comprises:</i> <ul style="list-style-type: none"> • Allerdale Local Plan Part 1 adopted July 2014 (ALPP1) • Allerdale Local Plan Part 2 adopted July 2020 (ALPP2) 	Local Plan ³ . The western boundary of Area C of the Site is parallel with the former CBC area and the LDNP is approximately 3.2km from the Site.
6.5	<i>It is noted that the ES in 1.9.3 sets out the Council position with regard to the Allerdale Borough Council (ABC) Action Plan to address climate change.</i>	Noted. The Allerdale Borough Council (ABC) Action Plan ⁴ to address climate change is also considered at paragraph 4.2.16 of the PS [AS-10].
6.6	<i>The Council as a statutory consultee when any Development order is made is required to prepare a Local Impact report and consider the Local Plan and any other representations the Council makes.</i>	Noted.
6.7 & 6.8	<i>Allerdale Local Plan contains the Councils planning policies for the use and development of land up to 2029. The Local Plan is made up of Part 1 and Part 2. To ensure a comprehensive approach to sustainable development it is important that the Local Plan (both parts) are read together and used as a whole.</i> <i>Part 1 of Allerdale's Local Plan was adopted in July 2014. The Local Plan (Part 1) sets out the spatial strategy in terms of identifying the settlement hierarchy and the roles of each tier in providing the general scale and location of new development. The Local Plan (Part 2) ensures that sufficient land is available in appropriate locations to deliver the development requirements and policies set out in the Local Plan (Part 1).</i>	Noted. The LPP1 policies that the Applicant considers as relevant to the Proposed Development are set out in paragraphs 4.7.18-4.7.21 of the PS [AS-10] and Table 3.1 of the PCD [APP-027]. As set out in paragraph 4.7.22 of the PS [AS-10], the Proposed Development is not the subject of any allocations in LPP2. There are not any spatial allocations within or within close proximity to the Site, with the closest employment allocations at Lillyhall approximately 1km to the west.
6.9	<i>ALP2 provides the Policies Map (formally known as the Proposals Map) and is a spatial representation which identifies areas within Allerdale that are subject to various policies and proposals within the Local Plan. It shows where sites are identified for certain uses and where different policies apply. The Policies Map must be used in conjunction with the Local Plan.</i>	Noted. The Applicant has had regard to the LPP2 (referred to as ALP2 by the Council) Policies Map and there are no spatial policies that directly affect the Site as per the response at 6.7 above.

³ LDNPA. (2021). Living Lakes: Your Local Plan. LDNP Local Plan 2020-2035.

⁴ Allerdale Borough Council (ABC). (2022). Allerdale Borough Council Climate Change Action Plan. ABC.

Ref	Matter Raised	Applicant Response
6.10	<i>The Council Priorities and Local Plan Policies relevant to this proposal are set out below.</i>	The Applicant is in general agreement that the Council has listed are relevant, and has summarised how the Proposed Development is considered to comply with these policies. Further explanation is provided in responses below where policies are not considered to directly apply to the Proposed Development.
6.11	<i>The Council wants to enable the move to an economy that builds and retains wealth locally in order to ensure that local communities receive the social and economic benefits associated with sustainable economic development and investment to address local inequalities.</i>	The Applicant recognises the Council's ambitions to move to an economy which retains and builds wealth, and ensure that local communities benefit economically and socially from development. As set out within the application's Socioeconomics Appendix [APP-104], and the AREQ1 [REP2-010], the Proposed Development will create employment and is likely to confer some local benefit, including from any workers who are not local using local facilities and hospitality. However, as the Applicant cannot commit to the extent of any local employment creation at this stage, the Applicant has assessed the worst-case benefits of the Proposed Development, which is that no local employment is created.
6.12	<i>The Council Plan "sets out clearly our commitment to supporting local economies that work for everybody, and the importance of community wealth building approaches to maximise the benefits for economic growth for all parts of our local community." This is one of the key priorities of the Council when seeking a Mayoral Combined Authority through Devolution.</i>	Noted.
6.13	<i>One way to do this is to use the area's assets as a catalyst for appropriate economic activity, generating opportunities for residents; this can include the natural assets of the area as the Council wants to support the growth of a low carbon economy.</i>	The Applicant notes and supports the Council's ambitions to use natural assets to support the growth of a low carbon economy, and considers that the Proposed Development contributes towards these ambitions through the generation of clean renewable energy (see PS section 6.3 [AS-10] or ES Chapter 4 [APP-035])
6.14	<i>However, there needs to be appropriate training opportunities in place to support the transition to ensure that local people have the skills to support the transition to a strong, inclusive and green economy. This links to Strategic Objective SO3g of the Local Plan which states that the Council wants to improve educational</i>	A scheme/plan which promotes local employment and skills has not been put forward at this stage. The Applicant cannot commit to providing a particular proportion of workers who would be local to the Site, as the number of workers who may be employed locally will depend on the availability of people with a particular set of skills, and for those to be available for a short term period (likely 18 months).

Ref	Matter Raised	Applicant Response
	<i>attainment and skills to meet the needs of existing and future employment opportunities.</i>	However, the Applicant is open to opportunities to advance local employment and skills, and this is being considered. This matter is identified as under discussion in the updated Cumberland Council dSoCG [D3.14] .
6.15	<p>Strategic expectations for the area include:</p> <ul style="list-style-type: none"> • <i>Economic growth will be supported in a number of sectors, including capitalising on skills and opportunities in the energy sector;</i> • <i>However, there is also support to develop the tourism sector so it is key that any economic development so does not affect the landscape quality that people come to visit;</i> • <i>Allerdale will have unspoilt landscape.</i> 	<p>See 6.14 on economic growth and skills. Employment and economic benefits would be realised through the creation of employment opportunities within the supply chain to the Site, workers involved in the construction of the Site, and the income for nearby hotels and accommodation during construction.</p> <p>While the landscape effects are acknowledged within ES Chapter 7 Landscape and Visual [REP2-032], these are not considered to affect the tourism sector, including particular local tourism assets such as the LDNP, which is approximately 3.2km from the Site. As noted at paragraphs 6.6.13 and 6.6.14 of the PS [AS-10], the LVIA characterises the Site and the surrounding area as predominantly rural, with the exception of existing overhead powerlines and pylons and the Potato Pot Wind Farm (the Wind Farm), which are prominent features within the existing landscape. There are no landscape designations within the Site that would be affected by the Proposed Development. The landscape and visual impact on the LDNP has been fully assessed, and conclusions agreed with the LDNP Authority (LDNPA) (see the LDNPA dSoCG [D3.13]).</p>
6.16	<p>Strategic Objectives Policies</p> <p><i>SO1a Reduce Allerdale's carbon footprint and support a low carbon future;</i></p> <p><i>SO1f Promote renewable and low carbon energy production...</i></p> <p><i>SO1g Sustainable and effective use and re-use of land and buildings and protect the most versatile agricultural land from development;</i></p> <p><i>SO3a Diversify the urban and rural economic base of Allerdale to enable a prosperous mixed, low carbon economy, ...;</i></p>	<p>The Proposed Development is considered to support the Council's strategic objectives for the former Allerdale area.</p> <p>SO1a and SO1f support the development of renewable, low carbon infrastructure. Solar PV infrastructure generates clean energy which supports these targets.</p> <p>SO3a is considered to be met given that there is no best and most versatile (BMV) agricultural land within the Site, and the Proposed Development re-uses land which was formerly a colliery and supports co-location with agricultural use.</p> <p>SO5a is considered to be met, as evidenced within the Design Approach Document (DAD) [APP-029] which demonstrates how the Proposed Development has been</p>

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	<p><i>SO3d Provide a wide range of modern, high quality employment sites and premises to meet existing business needs and emerging sectors;</i></p> <p><i>SO5a Ensure that all new development meets high standards of quality of design, energy efficiency, safety, security and accessibility, and relates well to existing development, enhances the public realm and develops locally distinctive and high quality places;</i></p> <p><i>SO5d Enhance green infrastructure by developing a comprehensive network of high quality open space such as parks, woodlands, gardens, natural green spaces and allotments;</i></p> <p><i>SO5e Minimise the risk from flooding and support the incorporation of mitigation measures as part of the overall design solution;</i></p> <p><i>SO5f Protect and enhance the quality of the environment and amenity;</i></p> <p><i>SO6a Protect and enhance the natural and historic landscape, including ancient woodland and geological assets, from unnecessary and harmful development, particularly within the Solway Coast AONB and areas adjoining the National Park;</i></p> <p><i>SO6b Protect and enhance biodiversity and geodiversity, notably the Natura 2000 sites and create ecologically diverse habitats across Allerdale and ensure the ability of habitats and species to adapt to climate change;</i></p> <p><i>SO6d Ensure high levels of water, and air quality are retained and where necessary improved, and safeguard agricultural land.</i></p>	<p>designed to a high standard. Relevant to SO5d, the DAD further explains the approach to designing quality green infrastructure which connects to surrounding networks.</p> <p>SO5e, SO5f, SO6a, SO6b, and SO6c are considered to be addressed through the relevant sections pertaining to flood risk, environmental health, landscape, and cultural heritage within the PS [AS-10] which refer to the policies from LPP1 that support these broader strategic objectives.</p> <p>SO3d is not considered to be relevant to the Proposed Development because the principle of the development is for renewable energy generation rather than employment development.</p>
N/A	<p><i>Policy S1: Presumption in Favour of Sustainable Development.</i></p> <p>The full policy has not been quoted here for brevity.</p>	<p>The Proposed Development, as 'Critical National Priority' infrastructure which contributes towards supporting a low carbon future and therefore is considered to be supported by the Council's presumption in favour of Proposed Development. This is set out within Table 3.1, page 118 of the PCD [APP-027]. The Proposed Development is considered to represent sustainable development, as set out in Section 6.12 of the PS [AS-10] in relation to the social, economic, and environmental ambits of sustainability.</p>

Ref	Matter Raised	Applicant Response
N/A	<p><i>Policy S2: Sustainable Development Principles</i></p> <p>The full policy has not been quoted here for brevity.</p>	Please see the response to 6.17.
N/A	<p><i>Policy S3: Spatial Strategy and Growth</i></p> <p><i>Paragraph 66 – In an exception to the spatial strategy, Policy S3 allows for certain types of development in the open countryside and villages/hamlets not named in the above hierarchy. The specific cases are listed in the policy and further detail provided throughout the Local Plan. [The full policy has not been quoted here for brevity].</i></p>	Please refer the Applicant's response to Table 2.4, ref 7.1 in relation to Policy S3.
N/A	<p><i>Policy S4: Design Principles</i></p> <p><i>Proposals for all new development (including conversions, extensions and alterations) will therefore be required to demonstrate high standards of design [The full policy has not been quoted here for brevity.]</i></p>	The Proposed Development complies with Policy S4 Design Principles, as set out in Table 3.1, page 119 of the PCD [APP-027], paragraphs 6.12.13 and 6.12.17 of the PS [AS-10] and embedded within the DAD [APP-029].
N/A	<p><i>Policy S14: Rural Economy</i></p> <p><i>Farm Development In order to support the continued economic viability of farming and other land based enterprises, the Council will support proposals;</i></p> <p><i>a) For the diversification of activities that are of a scale and nature appropriate to the location;</i></p> <p><i>b) For appropriately designed and related agricultural development and buildings. In all cases development should not have significant adverse effect on nature conservation features, biodiversity and geodiversity, including Natura 2000 sites, habitats and species, and should accord with all other plan policies.</i></p>	Para 6.4.20 of the PS [AS-10] concludes that the Proposed Development would not undermine local agricultural and rural economy interests in accordance with Policy S14. The Proposed Development is not creating any new agricultural development or buildings. The Proposed Development is considered to comply with Policy S14.
N/A	<p><i>Policy S15: Education and Skills...</i></p> <p><i>d) Enhancing enterprise and training and skills for the local workforce by working in partnership with education facilities and employers to promote lifelong learning and skills development</i></p>	As set out in EN-1 paragraph 5.13.3, the Applicant has engaged with the Council, relevant parish councils, and other stakeholders to understand local issues and opportunities. However, a scheme/plan which promotes local employment and skills is not proposed. This is because the Applicant cannot commit to providing a particular proportion of workers who would be local to the Site, as the number of

Ref	Matter Raised	Applicant Response
		workers who may be employed locally will depend on the availability of people with a particular set of skills, and for those to be available for a short-term period (likely 18 months). The Applicant will, however, remain open to opportunities to advance local employment and skills that may be available once an Engineering Procurement and Construction (EPC) contractor is appointed post-consent.
N/A	<i>Policy S19: Renewable Energy</i> The full policy has not been quoted here for brevity.	The Proposed Development will contribute towards the Council's low carbon future. Additionally, it would facilitate the Council meeting its commitment to tackle climate change in the Allerdale Climate Change Action Plan ⁵ (adopted 4 March 2020). Full accordance with this policy is set out at Table 3.1, page 119 of the PCD [APP-027].
N/A	<i>Policy S20: Nationally Significant Infrastructure Projects</i> The full policy has not been quoted here for brevity.	Compliance with this policy is set out within Table 3.1, page 121 of the PCD [APP-027] and the PS [AS-10].
N/A	<i>Policy S21: Developer Contributions</i> <i>The Council will work with partners to deliver infrastructure, services and community facilities to improve the sustainability of its communities. In accordance with the provisions set out within national policy, the Council will require new developments to secure infrastructure improvements which are necessary to make the development acceptable by planning condition or obligations. Planning obligations may also be required for the initial and ongoing running and maintenance costs of services and facilities, and to compensate for the loss or damage caused by the development.</i>	<p>This policy has not been referenced within the application, as the DCO application will be determined by the SoS and planning conditions are not part of the NSIP process. However, the Applicant has had positive engagement with the Council on the DCO Requirements, and the content of the management plans secured by these requirements, to ensure that the Proposed Development is acceptable to the Council. The Applicant has also engaged with the Council on creating public benefit through permissive paths through the Site.</p> <p>The Applicant has engaged with the communities around community benefit to develop a package which the Applicant considers appropriate to the scale and size of the Proposed Development as a matter outside the planning process.</p>
N/A	<i>Policy S22: Transport Principles</i> [The full policy has not been quoted here for brevity.]	This policy is referenced in both the PCD [APP-027] and PS [AS-10]. Accordance with the relevant criteria of this policy (a, b, e, f and g) is set out at Table 3.1, page 122 of the PCD.

⁵ Allerdale Borough Council (ABC). (2022). Allerdale Borough Council Climate Change Action Plan.

Ref	Matter Raised	Applicant Response
N/A	<i>Policy S24: Green Infrastructure</i> [The full policy has not been quoted here for brevity.]	As per Table 3.1, page 122 of the PCD [APP-027], the ecological and landscape enhancements set out within the OLEMP [APP-145] and LSP [REP2-046] reflect the multifunctional nature-based solutions opportunities of Green Infrastructure (GI) within the Site, providing BNG, improvements for wildlife not captured by the BNG metric, and enhancements to public accessibility through the creation of two new permissive paths. The compliance with this policy is further referenced at paragraphs 6.6.38 and 6.9.31 of the PS [AS-10].
N/A	<i>Policy S25: Sports, Leisure and Open Space</i> Paragraph 256. A key priority of the Council is to promote healthy lifestyles through improved access to sports, leisure and open space, which also have positive economic and environmental benefits. Improved access can be achieved not only by improving the provision and quality of existing sports and leisure facilities, but by promoting opportunities to enjoy outdoor recreational activities, open spaces and the countryside. f) By ensuring the ongoing protection and improvement of both new and existing provision through appropriate management and maintenance arrangements;	<p>The Applicant notes that the Council considers this policy to be relevant. It has not been directly referenced within the PS [AS-10] or the PCD [APP-027]. However, the promotion of healthy lifestyles has been considered and links to Design Principle PE.1 and PE.2.</p> <p>The Applicant has sought to contribute to the health and wellbeing of the local community through proposing two permissive paths which contribute to the aims of this policy and provide improved off-road recreational connectivity to the PRow network and open access land off-site.</p>
N/A	<i>Policy S27: Heritage Assets</i> The historic environment including all heritage assets and their settings will be conserved and enhanced in a manner appropriate to their intrinsic historic value and significance, their importance to local character, distinctiveness and sense of place, and to other social, cultural economic or environmental benefits/values. The Council will work with partners to seek the conservation and enhancement of all designated or non-designated heritage assets within the Plan Area.	Compliance with Policy S27 is set out within Table 3.1, page 124 of the PCD [APP-027], and section 6.5 of the PS [AS-10].
N/A	<i>Policy S29: Flood Risk and Surface Water Drainage</i> The full policy has not been quoted here for brevity.	Compliance with Policy S29 is set out within Table 3.1, page 124 of the PCD [APP-027], and section 6.8 of the PS [AS-10].
N/A	<i>Policy S30: Reuse of Land</i> The full policy has not been quoted here for brevity.	Compliance with Policy S30 is set out within Table 3.1, page 124-5 of the PCD [APP-027].

Ref	Matter Raised	Applicant Response
N/A	<p><i>Policy S32: Reuse of Land</i></p> <p>The Applicant has assumed that this is intended to refer to Policy S32: Safeguarding Amenity. The full policy has not been quoted here for brevity.</p>	Compliance with Policy S32 is set out within Table 3.1, page 125-6 of the PCD [APP-027], and sections 6.6, 6.9, and 6.11 of the PS [AS-10].
N/A	<p><i>Policy S33: Landscape</i></p> <p>The full policy has not been quoted here for brevity.</p>	Compliance with Policy S33 is set out within Table 3.1, page 126 of the PCD [APP-027], and section 6.6 of the PS [AS-10].
N/A	<p><i>Policy S35: Protecting and Enhancing Biodiversity and Geodiversity</i></p> <p>The full policy has not been quoted here for brevity.</p>	Compliance with Policy S35 is set out within Table 3.1, page 126-7 of the PCD [APP-027], and section 6.7 of the PS [AS-10].
N/A	<p><i>Policy S36: Air, Water and Soil Quality</i></p> <p>The full policy has not been quoted here for brevity.</p>	Compliance in relation to Policy S36 is set out within section 6.8 of the PS [AS-10] in relation to water quality, and 6.11 for air quality. Conservation of soil resource, minimising adverse effects on soil health, and managing grazing to improve soil quality, is set out within section 6.4 of the PS. Compliance with this policy is also set out in Table 3.1, page 127 of the PCD [APP-027].
N/A	<p><i>Policy DM5: Farm Diversification</i></p> <p>The full policy has not been quoted here for brevity.</p>	Compliance with Policy DM5 is set out within section 6.3 of the PS [AS-10] in relation to co-located agricultural use and rural diversification. While the primary purpose of the Proposed Development is to generate renewable energy, it will also facilitate co-located agricultural use.
N/A	<p><i>Policy DM12: Sustainable Construction</i></p> <p>The full policy has not been quoted here for brevity.</p>	Compliance with Policy DM12 is set out in PCD [APP-027] Table 3.1, page 128 and PS [AS-10] section 6.11 regarding resource and waste management.
N/A	<p><i>Policy DM14: Standards of Good Design</i></p> <p>The full policy has not been quoted here for brevity.</p>	Compliance with Policy DM14 is set out within Table 3.1, page 128-129 of the PCD [APP-027] and section 6.12 of the PS [AS-10] in relation to good design. The policy has also informed the approach to securing good design, as set out within section 3.3 of the DAD [APP-029].

Ref	Matter Raised	Applicant Response
N/A	<i>Policy DM17: Trees, Hedgerows and Woodland</i> The full policy has not been quoted here for brevity.	Compliance with Policy DM17 is set out within Table 3.1, page 129-130 of the PCD [APP-027] and section 6.7 of the PS [AS-10].
N/A	<i>Cumbria Minerals and Waste Local Plan Policy SP8: Minerals Safeguarding</i> The full policy has not been quoted here for brevity.	Compliance with Policy SP8 is set out within Table 3.3, page 138 of the PCD [APP-027] and section 6.10 of the PS [AS-10]. As per the dSOCG [D3.14], at CC.MW.1 and CC.MW.2, it has been agreed with the Council that the application has appropriately considered impact on mineral resources (brick clay, sand and gravel, and surface coal) and the Proposed Development does not involve the loss or sterilisation of these resources.
N/A	<i>Cumbria Minerals and Waste Local Plan Policy DC15: Minerals Safeguarding</i> The full policy has not been quoted here for brevity.	See response to SP8 above.

Table 2.4: Renewable Energy and Climate Change (Section 7)

Ref	Matter Raised	Applicant Response
7.1	<i>Allerdale Local Plan Part 1 Policy S3 Spatial Strategy and Growth, sets the framework for development across the Plan Area, outlining the Council's approach to scale, location and distribution of growth. Proposals outside of defined settlements will be limited to certain criteria. Policy S3 criteria's c) and j) are deemed relevant. Criteria c) An appropriate diversification of an existing agricultural or land based activity and Criteria j) Other development requiring a countryside location for technical or operational reasons.</i>	While this policy was considered, the Applicant has not directly referenced Policy S3 within the application. However, it is considered that the Proposed Development complies with the policy, as per 'c)' and 'j)', listed in 7.1, for the same reasons that it complies with Policy DM5, as set out in Table 2.3 [APP-027]. The explanation of why a countryside location is required for the Proposed Development is set out within section 6.3 of the PS, [AS-10] section 5.2 of the DAD [APP-029], and section 4.4 of ES Chapter 4 – Alternatives and Design Evolution [APP-035].
7.2	<i>Policy S19 Renewable Energy and Low Carbon Technologies sets a positive framework for the development of renewable energy across the Plan Area reflecting both national planning policy and local evidence. In order to ensure that only appropriate development takes place, Policy S19 adopts a criteria-based approach to encourage</i>	Compliance with Policy S19 is set out within Table 3.1, page 119, of the PCD [APP-027]. The Applicant considers that the Proposed Development is fully compliant with Policy S19.

Ref	Matter Raised	Applicant Response
	<i>acceptable proposals to come forward to meet national renewable energy targets.</i>	
7.3	<i>Policy S20 Nationally Significant Infrastructure Projects sets out that the Council will engage at pre application stage to ensure community consultation with the local community and stakeholders, appropriate mitigation measures are considered, sustainable transport is encouraged and that there will be the maximisation of local socio-economic opportunities for the West Cumbrian economies in terms of training and employment opportunities.</i>	The Applicant has consulted the community during non-statutory and statutory consultation. The outcomes and incorporation of feedback from consultation is set out within the Consultation Report [APP-018]. The Proposed Development includes sustainable transport measures which align with the aims of Policy S20, as set out within the Transport Statement (TS) [APP-102]. Further discussion of training and employment is set out within Table 2.12 of this document.

Table 2.5: Site Selection and Assessment of Impacts (Section 8)

Ref	Matter Raised	Applicant Response
8.1	<i>The Proposed Development has been informed by a series of technical assessments and consultation with the Council, prescribed consultees, the local community, and other stakeholders. The Proposed Development is considered against the environmental topics, and against the relevant local planning policy context.</i>	The ways in which engagement with the Council has informed the scope of the ES is described within each chapter of the ES, Chapter 2 - EIA Methodology, and the relevant sections of the DAD [APP-029], and is accounted for within the Cumberland Council dSoCG [D3.14] and the Consultation Report [AS-001].
8.2	<i>The ES in Para.6.3.10 sets out that the background to the Proposed Development's site selection as it relates to the ES is set out in ES Chapter 4 - Alternatives and Design Evolution [REF: 6.1]. This provides an account of the reasonable alternatives that have been considered in developing the siting and design of the Proposed Development in accordance with the EIA Regulations. It sets out the main reasons for the chosen 'Site', considering environmental, social, and economic effects, as well as technical and commercial feasibility. It is concluded that overall, the Site has been established to be appropriate to accommodate an NSIP solar farm, based on its environmental and technical characteristics, and is responsive to constraints (including mitigation opportunities).</i>	The site selection process is set out within section 6.3 of the PS [AS-10] from a policy perspective, section 5.2 of the DAD [APP-029] in relation to design, and section 4.4 of ES Chapter 4 – Alternatives and Design Evolution [APP-035] in terms of responding to environmental constraints and opportunities.
8.4	<i>This section of the LIR identifies the relevant local planning policies and how the application accords with them or otherwise. It also considers the adequacy of assessment for each identified subject area and concludes whether the impacts will be positive,</i>	Noted.

Ref	Matter Raised	Applicant Response
	<i>negative or neutral. The extent to which the Applicant has addressed identified impacts and assessed them adequately, complying with local planning policy, is also considered.</i>	
8.5	<i>In assessing the local impacts of the proposed development, the Council has drawn on the expertise of both relevant qualified officers of the Council itself (on matters pertaining to cultural heritage, trees, employment, transport, access and public rights of way) and external professional consultants (ecology and biodiversity on landscape and visual impact and glint and glare impacts) to ensure that a suitably qualified response, based on local knowledge and expertise, is provided on each of the issues. Each local impact is considered in turn below.</i>	Noted. The Applicant has had positive engagement with the Council on the topics set out, which is reported within the Cumberland Council dSoCG [D3.14].
8.6	<p><i>Certain topics were scoped out by the Planning Inspectorate through their scoping opinion (ES Appendix 2.3) or by additional information being provided at the PEIR stage to justify the scoping out of these topics.</i></p> <p><i>Topics Scoped Out are as follows: Agricultural Land (scoped out as a standalone chapter); Soils (scoped out as a standalone chapter); Water Resources and Flood Risk (scoped out as a standalone chapter); Air Quality; Traffic and Access; Noise and Vibration; Major Accidents and Disasters (scoped out as a standalone chapter); Electric Magnetic and Electromagnetic Fields; Telecommunications, television reception, and utilities; Wind Microclimate; Daylight, Sunlight and Overshadowing; Waste; Minerals; Lighting (scoped out as a standalone chapter).</i></p>	Noted.

Table 2.6: Land Use and Soils (Section 9)

Ref	Matter Raised	Applicant Response
9.1	<i>It is noted that Agricultural land and Soils was scoped out as a stand alone chapter within the ES, however the Best and Most Versatile (BMV) Agricultural Land and Soils were scoped in as a matter of consideration. Chapter 10 of the ES considers Ground conditions and Chapter 7 of the ES regards Landscape and Visual. In terms of Agricultural Land Use and Soils, the local plan policy context is set out below.</i>	Although Agricultural land and Soils was scoped out as a standalone ES chapter an ALC Report (ES Appendix 2.8) [APP-105] is appended to the ES and confirms that the Site does not include any BMV agricultural land. Consideration of the potential impacts to soils from construction and decommissioning is covered in ES Chapter 10 – Ground Conditions [APP-041]. Chapter 7 Landscape and Visual [REP2-032] has considered the worst case effects of construction activities, including the reversible storing of materials during the short

Ref	Matter Raised	Applicant Response
		term construction period Although no soils are BMV, the OSMP (ES Appendix 5.3) [APP-110] has been provided to safeguard soil resources.
9.2	<i>Policy S2 (ALPP1) Sustainable Development Principles is relevant. It is acknowledged that the Council will support local food production by avoiding development on the best and most versatile agricultural land where possible. ALPP1 Paragraph 329 sets out that land quality varies from place to place. The Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use and thus helps underpin the principles of sustainable development.... The Council will ensure that the best and most versatile land is safeguarded wherever possible from development.</i>	Policy S2 has been considered along with S14 in relation to agricultural land at section 6.4 of the PS [AS-10]. As stated at paragraph 6.4.9 of the PS, the ALC Report concludes that there is no BMV land on site. Therefore, the Proposed Development is considered to comply with Policy S2.
9.3	<i>The NPPF at paragraph 187 recognises the economic and other benefits of the best and most versatile agricultural land. Footnote 65 within paragraph 188 of the NPPF requires where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. There is a clear direction in national policy for solar farms to be located on brownfield and lower grades of agricultural land, which recognises the importance of balancing the need for sustainable energy whilst ensuring BMV is available for food production.</i>	The preference in national policy for solar farms to be located on brownfield land is addressed at Section 6.4 of the PS [AS-10]. The use of agricultural land is necessary for the Proposed Development which benefits from a point of connection, and a search of the ABC and CBC brownfield registers did not yield any sites larger than 3ha and therefore not able to provide for a 150MW renewable energy generating station.
9.4	<i>The proposal is for the solar farm to operate for term of 40 years (ES 2.3.10). It is noted that the soils from construction and decommissioning should be avoided or minimised. In the Scoping response the Inspectorate recommended that a Soil Management Plan is provided with the application and appropriately secured via the DCO. Policy DM5 Farm Diversification sets out that proposals for the diversification of farm and other land based enterprises will be permitted subject to set criteria. The scheme is considered to accord with this Policy.</i>	An OSMP has been provided at Appendix 5.3 [APP-110]. It is noted that the Council consider the Proposed Development to accord with Policy DM5. A full explanation of how the Proposed Development accords with the policy with respects to co-location with agricultural use is set out within Section 6.4 of the PS [AS-10].
9.5	<i>On balance subject to suitable mitigation secured in the DCO Agricultural Land and Soil within the site should be suitably safeguarded. The scheme accords with the relevant local plan policies given the site is not in an area of high-quality agricultural value but is identified as poor. It is acknowledged that the site has had remediation following previous opencast mining activities.</i>	The Applicant notes the Council's confirmation that the Proposed Development accords with the relevant policies on agricultural land and soils from LPP1 and recognition of the history of the Site as

Ref	Matter Raised	Applicant Response
		being used for opencast mining, and the suitability of the Site with respect to no BMV land.

Table 2.7: Cultural Heritage (Section 10)

Ref	Matter Raised	Applicant Response
10.1	<i>Allerdale's historic environment contributes enormously to its economy and to its attractiveness as a place to live and therefore to the quality of life of its residents and workforce. Its historic environment attracts many tourists and visitors to the district and as such its conservation and enhancement is very important to the local economy.</i>	<p>The historic environment of Allerdale and its contribution the local landscape is considered within ES Chapter 6 – Cultural Heritage [REP2-027] and ES Chapter 7 – Landscape and Visual Impact [REP2-032].</p> <p>The effects on the tourist economy of the area with reference to potential landscape and visual impacts were considered within the PEIR Socio-Economics chapter [APP-104]. As none of the effects reported related directly to Socio-economics, the chapter was scoped out of the ES. Consideration of the impacts on heritage assets in relation to tourism is therefore covered by ES Chapter 6 and 7.</p> <p>As set out within the DAD [APP-029] at section 6.3, two permissive paths are proposed. One route would pass closely by the Large irregular stone circle and a round cairn on Dean Moor ('the Stone Circle and Cairn') Scheduled Monument (SM) (NHLE:1014588, SMR no. 3048). Enhanced access to this heritage asset and information board(s) can help to better reveal the significance of the asset of which there are only ground-level visual remnants, and to which there is no public access at present. This is agreed as a benefit to heritage interests, as set out within the Historic England dSoCG Historic England [REP2-015] (ref HE.4).</p>
10.2	<i>In assessing the impact of the proposed development on built heritage, the Council has had regard to ES Chapter 6: Cultural Heritage and accepts the methodology and conclusions of the assessment of effects in respect of built</i>	It is noted that the Council support the methodology and conclusions of ES Chapter 6 – Cultural Heritage [REP2-027] , as well as the

Ref	Matter Raised	Applicant Response
	<i>heritage. There has also been collaboration with other relevant chapters (notably landscape and visual and the setting of heritage assets). The analysis is accepted and demonstrates a screened scenario accounting for features such as existing vegetation and other forms of screening which provide additional filtering and reduction of theoretical visibility. Visibility is typically focused within short range views (~1km) from the Site.</i>	proposed mitigation in the form of landscape screening. The Cumberland Council dSoCG [D3.14] has been updated accordingly to reflect this agreement.
10.3	<i>Cultural Heritage Receptors that are 'scoped in' are set out in Table 6.7 and these are accepted.</i>	The Council's agreement of the cultural heritage receptors scoped into the ES Chapter 6 [REP2-027] assessment is noted.
10.4	<i>Heritage receptors can include above and below ground archaeological remains, historic buildings/ built environment, and/or historic landscapes, and different criteria are provided in the DMRB for establishing a 'value' for each of these receptors, each heritage receptors are ascribed a value in accordance with a four point scale as shown in Table 6.1.</i>	As noted by the Council, an explanation of the 'value' assigned to each heritage receptor is set out within Table 6.1 of ES Chapter 6 [REP2-027] in accordance with DMRB guidance.
10.5	<i>In determining applications that could affect the significance (including character, appearance, historic value, value to people and setting) of a heritage asset and/or archaeological asset, the following factors have to be taken into account: The level of significance of the heritage asset(s) and the impact of the proposal on the significance (including setting) of the heritage asset(s); how the significance and/or setting of the asset could be better revealed and opportunities for mitigating climate change without damaging significance. The assessment is accepted.</i>	It is noted that the Council accept the assessment of effects to the significance of heritage assets. The Cumberland Council dSoCG [D3.14] has been updated to reflect this.
10.6	<i>The Study Area comprising the land within the Site and a 3km buffer from the Site boundary used to assess designated heritage receptors (as shown in ES Figure 6.1) is accepted. It is noted that the Scoping Report for the Proposed Development (Appendix 2.1) included proposed methodologies for assessing archaeology and built heritage in the ES. The Planning Inspectorate's Scoping Opinion (Appendix 2.2) identified further receptors to be considered for determining 'significant' effects and these have been considered. The Zone of theoretical visibility (ZTV) for the Proposed Development is shown in Figure 6.3 and for the purpose of assessing Cultural Heritage this is accepted. A series of ZTV analysis has been undertaken based upon the design parameters that are listed in Chapter 3 – Site and Development Description [REF: 6.1]. The ZTV calculation is performed using particular geographic information systems ('GIS') software (ESRI ArcGIS Pro 3.0.2) under the Viewshed Spatial Analyst tool.</i>	It is noted that the Council accept the Study Area and Zone of Theoretical Visibility for ES Chapter 6 Cultural Heritage to assess designated heritage receptors. The Cumberland Council dSoCG [D3.14] has been updated accordingly.

Ref	Matter Raised	Applicant Response
10.7	<i>Table 6.4 lists the heritage receptors located within the 1km Study Area for non designated receptors and within the 3km Study Area for designated receptors. Cultural Heritage ES Chapter 6 is supported by the following appendices: ...</i>	Noted. Additional figures and appendices have been provided to support ES Chapter 6 [REP2-027] in response to the ExA's questions. These documents have been flagged to the Council for their consideration.
10.8	<i>Allerdale Local Plan Part 1 Policy S27 Heritage Assets is relevant. This policy sets out that the historic environment including all heritage assets and their settings will be conserved and enhanced in a manner appropriate to their intrinsic historic value and significance, their importance to local character, distinctiveness and sense of place, and to other social, cultural economic or environmental benefits/values. The Council will work with partners to seek the conservation and enhancement of all designated or non-designated heritage assets within the Plan Area. The proposal is considered to accord with Policy S27 ALP1.</i>	Compliance with Policy S27 is set out within Table 3.1, page 124 of the PCD [APP-027] and section 6.5 of the PS [AS-10].
10.9	<i>It was agreed with Council's Archaeological Advisor that 'the area of mining can be discounted from any further archaeological work' (refer to Table 6.5 Planning Inspectorate comments). It is noted that there is also evidence of areas of previous mining across the southern part of Area C, which could have impacted any surviving pre-industrial heritage receptors (of archaeological interest).</i>	Noted. This agreement with the Council's Historic Environment Officer (HEO) has informed the assessment and the programme of archaeological mitigation agreed with the Council as set out within the Archaeological Mitigation Strategy (AMS) [APP-117].
10.10	<i>The Proposed Development has the potential to have significant effects on the identified designated heritage receptors. The Cumberland Archaeologist seeks to safeguard heritage assets in terms of below ground work through the following...</i> <ul style="list-style-type: none"> • Implementation of the AMS • Mitigation requirements identified through investigation could be implemented through the detailed design or through additional measures required by the Councils Archaeologist such as a Watching Brief for certain types of works and/or in certain parts of the site. • The inclusion of archaeological strip, map, and sample as mitigation options as it provides an appropriate scope of mitigation depending on the nature of the archaeological resource and impact from the scheme. 	Noted. The Applicant has had positive engagement with the Council's HEO, which is reflected within the Cumberland Council dSoCG [D3.14], and has agreed the scope and methodology of the AMS [APP-117]. As set out within the dSoCG, the inclusion of strip, map, and sample as mitigation options have now been referenced within ES Chapter 6 Cultural Heritage [REP2-027].
10.11	<i>Due to the landscape character of the Study Area, combined with topography, intervening vegetation, existing landscape features, and in some instances the distance from the Site, the majority of the designated heritage receptors are unlikely to experience any change to their value as a result of the Proposed</i>	It is noted that the Council accepts the scope of the assessment of ES Chapter 6 – Cultural Heritage [REP2-027] and the list of receptors included within the HEDBA [REP2-030], as well as the

Ref	Matter Raised	Applicant Response
	<i>Development, and have therefore been scoped out of the ES Chapter (for completeness these have been referenced and considered in the HEDBA (Appendix 6.1) and this is accepted. The setting of heritage assets is also considered in the Landscape section.</i>	assessment of heritage assets within ES Chapter 7 - Landscape and Visual Impact [REP2-032].
10.12	<i>It is noted as shown on the Landscape Strategy Plan (Figure 7.6.1-7.6.5), there are opportunities for new native structural landscape planting to provide visual screening, including native hedgerows, hedgerow trees, scrub / shrub planting, with the aim of breaking up views of the extent of development, and linking existing habitats / landscape features where possible to provide enhanced green infrastructure and biodiversity opportunities; and Additional scrub and woodland planting on the steeper, southern section of Thief's Gill Quarry in line with green infrastructure policies within the ... Local Plan 1 (Policy S24).</i>	Noted. The LSP [REP2-046] has been designed to accord with Policy S24 in relation to providing high quality green infrastructure which connects to multi-functional habitat networks and improves access to the natural environment. The LSP has further been designed to comply with LPP1 Policy S27 in providing enhanced access to the Stone Circle and Cairn' SM to facilitate public enjoyment of the asset, and in minimising visual intrusion through the proposed landscape screening, in accordance with Policy S33.
10.13	<i>Cumberland Archaeologist noted that the submitted Environmental Statement (ES) concludes that the construction and operation of the proposed solar farm will have a significant moderate adverse effect on the setting of the designated heritage assets of the Large Irregular Stone Circle and Round Cairn at Dean Moor scheduled monument and Wythemoor Sough listed building. It is suggested that the Historic England provide further comment on designated heritage assets in terms of the effects on the construction, operational and decommissioning phases.</i>	The Applicant has had positive engagement with Historic England (HE) on the residual effects concluded by ES Chapter 6 – Cultural Heritage [REP2-027] with respect to heritage assets. This engagement is reflected within the dSoCG with HE [REP2-015].
10.14	<i>It is noted that in terms of the embedded Mitigation (Operational phase) there is the retention of existing Site boundary vegetation (where practicable), particularly established/mature woodland habitats, as outlined in the Landscape Strategy Plan (Figure 7.6.1-7.6.5) and Appendix 7.7: Outline Landscape and Ecological Management Plan ... There will be the use of existing field entrances during delivery / construction ... to minimise impact on field boundaries; There is a 'Green Infrastructure area' within the south of Area C as shown on Work No. 6 (Green Infrastructure) [REF: 2.3] and Figure 3.4(Parameter Plan) around the SM (Stone Circle and Cairn); There is the siting of infrastructure to minimise visual intrusion, including areas of no development of solar infrastructure on the elevated open moorland within Area C; There will be reinforcement of existing field boundaries where required. In terms of impacts on the English Lake District WHS, this is set out in the Cumberland Commissioned LVIA report.</i>	The Applicant notes the comments made by Galpin Landscape Architects (Galpin) on the Council's behalf in the Landscape and Visual Impact Assessment – Review (the 'LVIA Review' [AS-005] in relation to the embedded mitigation referenced by ES Chapter 7 – Landscape and Visual Impact [REP2-032]. A full response to these comments is provided in the ARRR [REP1-002]. The Cumberland Council dSoCG [D3.14] has been updated to confirm all matters relating to landscape raised in the Council's LVIA Review are addressed and agreed in as much as possible ahead of the discharge of DCO Requirements.

Ref	Matter Raised	Applicant Response
10.15	<i>In terms of the proposal's impact on non-designated archaeological assets, the application site has been the subject of an archaeological desk-based assessment, an archaeological geophysical survey and a walkover survey and these have identified a number of archaeological assets and areas where potential archaeological assets may be present on the site. These include late-19th century mining remains and geophysical anomalies detected by the survey as being of potential interest. It is accepted that these assets are likely to be of low/moderate significance and that the construction of the proposed development would disturb them causing, in a worst-case scenario, a major adverse effect.</i>	The Council's confirmation of the assessment of the potential effects to non-designated archaeological assets, and that these assets are of low/moderate significance, is noted. This is reflected within the Cumberland Council dSoCG [D3.14]
10.16	<i>The Archaeological Mitigation Strategy (AMS) in appendix 6.3 of the ES provides an adequate framework for the mitigation. It states that the mitigation should comprise a staged approach starting with an archaeological trial trenching evaluation. In the unlikely event that archaeological remains of highest significance are identified in the evaluation, they would need to be protected from harm during the construction and decommissioning of the scheme. Adequate methodology for achieving this protection would need to be agreed in writing prior to the commencement of the construction of the scheme.</i>	It is noted that the Council agree with the staged approach to mitigation set out within the AMS [APP-117]. It is agreed that an adequate methodology, based on the AMS would need to be agreed for protecting any assets identified during the construction and decommissioning of the Proposed Development with the Council. This is reflected within the Cumberland Council dSoCG [D3.14].
10.17	<i>Any archaeological remains of lower significance revealed in the evaluation would need to be subject to a programme of archaeological investigation and recording in line with the procedures outlined in the AMS. A written scheme of investigation for this programme of archaeological work would need to be submitted, and agreed upon, prior to the commencement of the construction of the scheme.</i>	The approach to submitting a Written Scheme of Investigation (WSI) to the Council for the programme of archaeological work for any remains revealed prior to commencement is set out in the AMS [APP-117], which is secured by DCO Requirement 9.
10.18	<i>The scope of any intrusive evaluation will be determined following more detailed pre-commencement design work. Once a potential final design is established this will be assessed against the nature and extent of potential archaeological material within the Site to provide sufficient detail to inform the scope and extent of the second stage of any further fieldwork. The details of any further mitigation will be set out in supplementary AMS, if required.</i>	This approach is agreed. A full explanation of the approach is set out within the AMS [APP-117] and summarised within section 6.6 of ES Chapter 6 – Cultural Heritage [REP2-027]. An evaluation of any surviving archaeological resource will inform any final design requirements which may entail either mitigation or exclusion zones. Once a final design is established, this will be assessed against the nature and extent of archaeological material within the Site to inform the scope and extent of further fieldwork. The details of any further mitigation will be set out in a supplementary AMS, if required.

Ref	Matter Raised	Applicant Response
10.19	<i>The requirement for any final mitigation will be dependent on the results of any further fieldwork required following the procedure set out in the AMS (Appendix 6.3) and to be secured by a DCO Requirement. Construction and design alternatives could also be used to mitigate potential impacts to archaeological receptors (i.e., ballasted arrays, on-ground cable trays, and no-dig access track or fencing)</i>	Noted. This approach has been agreed with the Archaeological Advisor and is reflected within the Cumberland Council dSoCG [D3.14] [As set out within section 5 of the AMS, the outcome of the Stage 1 investigations will inform whether further mitigation is required which could take the form of exclusion zones to enable preservation 'in-situ'. Section 4.3 of the AMS sets out the design options available, should the Stage 1 evaluation identify archaeological receptors of national importance.
10.20	<i>It is noted that, several methodologies may be required: Evaluation fieldwork (intrusive site investigations to determine nature and extent of the identified archaeological potential), this will comprise a set of archaeological trial trenches targeted on areas of archaeological potential highlighted in the HER and Geophysical Survey Report (Appendix 6.2); Archaeological monitoring and recording and/or excavation (preservation by record) during construction; Construction management practices; and Public dissemination of archaeological and historical data; All archaeological fieldwork should be monitored by the Council's Archaeological Advisor to ensure that the works comply with the agreed scope and methodology detailed in an appropriate WSI. The Council's ...Advisor will also review all reporting on the archaeological Fieldwork</i>	Noted. As stated at paragraph 6.6.7 of ES Chapter 6 – Cultural Heritage [REP2-027], all archaeological fieldwork will be monitored by the Council to ensure compliance with the methodology of the WSI, and the Archaeological Advisor will review all reporting and any subsequent mitigation to be agreed and implemented based on the outcomes as reported.
10.21	<i>Potential effects of other relevant development proposals within the 3km Study Area which may give rise to potential cumulative effects with the Proposed Development. The full list of cumulative developments that are considered as part of the ES within Chapter 2 – EIA Methodology.</i>	The Applicant has received a list of additional schemes from the Council and has undertaken additional assessment. See the response at Table 2.2, Ref. 5.1.
10.22-10.24	<i>There are two cumulative developments within 3km of the Site with potential for cumulative effects relevant to this Chapter due to their size and distance from receptors. These are: Land at Lillyhall North, Branthwaite Road, Winscales, Workington (Ref. FUL/2021/0009) ('Land at Lillyhall North'). ...The potential Lostrigg Solar scheme, which, at its closest point, is 15m north of the Site is a large-scale solar farm which was first publicised when a scoping request was made to the Secretary of State in June 2024. This has now been withdrawn, and it is anticipated that the scheme will progress as a planning application under the Town and Country Planning Act.</i>	These two developments ('Land at Lillyhall North' and the withdrawn Lostrigg Solar scheme) have been assessed for cumulative effects within ES Chapter 6 – Cultural Heritage [REP2-027].

Ref	Matter Raised	Applicant Response
10.25	<i>ES Table 6.9 provides a summary of potential cumulative effects on heritage receptors at this stage of the assessment process. Taken together, there is a significant cumulative effect to Wythemoor Sough and adjoining barn and stable (a moderate adverse effect). No other significant cumulative effects have been identified.</i>	A Moderate adverse (significant) effect, although less than substantial harm in NPPF terms, has been identified as a residual effect for effects on Wythemoor Sough and Adjoining Barn and Stable for the construction and operational phases within ES Chapter 6 – Cultural Heritage [REP2-027].
10.26	<i>An assessment of the likely cultural heritage effects arising from the Proposed Development has been undertaken. Initial desktop study has been followed by Site and Study Area visits to gain an understanding of the baseline conditions of the Site and its surrounding landscape. Table 6.8 contains a summary of the preliminary assessment of the likely significant effects of the Proposed Development. Table 6.9 provides a summary of potential cumulative effects on heritage receptors at this stage of the assessment process Overall significant cultural heritage effects are broadly limited to the Site itself, and receptors in close proximity of the Site. It is accepted that as time passes and the mitigation becomes established, the significance of these effects will reduce, with potentially beneficial effects predicted for vegetation within the Site.</i>	The Applicant accepts the Council's summary of the cultural heritage assessment, and notes that this matter is covered by the updated dSoCG [D3.14]. It is noted that the Council accept the proposed mitigation, which would reduce the significance of effects to heritage receptors.
10.27	<i>The Council's Relevant Representation attached details of the programme of archaeological work undertaken to compile the archaeological baseline and the ongoing discussions to secure appropriate mitigation for the impact of the scheme. This is not repeated here.</i>	The Applicant has provided a full response in the ARRR [REP1-002] with respect to archaeological work.
10.28	<i>A Draft Archaeological Mitigation Strategy was submitted which The Cumberland Archaeologist was in broad agreement with. Areas have been identified as containing archaeological remains susceptible to harm from the scheme and a range of mitigation measures have been proposed.</i>	Agreed. This agreement is reflected within the Cumberland Council dSoCG [D3.14].
10.29	<i>In relation to archaeology, whilst there is the potential for below ground remains to be encountered, the scope and extent of the remains, as a result of the field evaluation works undertaken to date, do not suggest these to be of national significance warranting preservation in situ. The proposed works have the potential to result in physical impacts to these assets if encountered.</i>	The Applicant agrees with the Council's summary of the likely significance of the potential archaeological receptors within the Site. As set out in ES Chapter 6 [REP2-027], physical impacts would be designed-out in the pre-commencement phase or removed and recorded during the construction phase.

Ref	Matter Raised	Applicant Response
10.30	<i>Further archaeological mitigation fieldwork in order to preserve any encountered remains 'by record' or through design measures (such as the use of pre-cast concrete blocks rather than piled mounts within the Solar PV Site) to enable preservation in-situ of archaeological remains or micro-siting of Scheme elements is to be safeguarded through the requirement for a Final Archaeological Mitigation Strategy to be developed substantially in accordance with the Framework Archaeological Mitigation Strategy, as set out above.</i>	The archaeological work set out within the AMS and secured by DCO Requirement 9 comprises a staged approach of investigation/assessment followed by mitigation where required. Mitigation options referenced in the LIR [REP2-058] such as no-dig alternatives, are set out within Section 4.3 of the AMS [APP-117] .
10.31	<i>With these considerations in mind, it is concluded that the requirements of Policy S27 are suitably met and accordingly, the Council views the impacts of the proposed development as having a neutral impact.</i>	It is welcomed that the Council confirm that the requirements of Policy S27 have been met with respect to cultural heritage.

Table 2.8: Landscape and Visual Impacts (Section 11)

Ref	Matters Raised	Applicant Response
11.1	<i>Landscape is a key asset to the locality and the Cumberland Council area forms part of the Lake District National Park.</i>	The Applicant has acknowledged the sensitivity of local landscape character areas, and the LDNP) within the LVIA Table 7.3 [REP2-032] . Engagement with the LDNPA on the potential landscape and visual impacts on the LDNP has been positive, and is reflected within the LDNPA dSoCG [D3.13] .
11.2	<i>Allerdale Local Plan Part 1 relevant policies are: • Policy S24 Green Infrastructure • Policy S32 Safeguarding Amenity • Policy S33 Landscape - S33 states that policies will be assessed, with specific regards to biodiversity, in relation to 'Biodiversity features, ecological networks and semi-natural habitats' ... • Policy DM5 Farm Diversification • Policy DM14 Standards of Good Design • Policy DM17 Trees, Hedgerows and Woodland</i>	The Applicant agrees with the Council's list of relevant policies, which are listed in Paragraph 4.7.22 of the PS [AS-10] . Compliance with these policies in relation to the landscape and visual assessment, potential effects, and mitigation is summarised within Section 6.6 of the PS and in PCD [APP-027] Table 3.1.
11.3	<i>Landscape and Visual Impact Assessment (LVIA) - Cumberland Council have commissioned a Peer Review of the LVIA and Chapter 7 of the ES. The submitted LVIA identifies the landscape and visual baseline conditions and is supported by good graphical information. This includes numerous ZTV's which show the theoretical visibility of the different elements of the proposed development (i.e. Solar PV Infrastructure, Grid</i>	<p>The Council's LVIA Review [AS-005] by Galpin has been reviewed by the Applicant's landscape consultants, and a full response has been provided within the ARRR [REP1-002].</p> <p>As set out within the ARRR, para 4.1.2 of the ES Appendix 7.1 – Landscape and Visual Methodology [REP2-034], the 'ZTV remains only as a tool in the landscape and</p>

Ref	Matters Raised	Applicant Response
	<i>Connection, and POC Mast Siting Area) which helps to identify the likely visual receptors. It would be useful to see multiple ZTVs showing the visibility of the different Areas (Area A, B & C) which were identified. This would be particularly useful due to the size and topography of the site and the surrounding landforms. These ZTVs would quickly show which Areas of the site are visible from the surrounding landscape.</i>	<i>visual impact assessment of the Proposed Development'</i> and therefore the provision of additional ZTVs would not further inform the judgements already made which the Relevant Representation concludes in para 4.25 that <i>'the submitted LVA was prepared in accordance with guidance and is generally acceptable'</i> . It has been agreed with the Council that, whilst the provision of additional ZTVs may have been beneficial, the ZTVs provided are robust and sufficient for the purposes of ES Chapter 7 – Landscape and Visual [REP2-032].
11.4	Zone of Theoretical Visibility (ZTV) - Figures 7.4a-b provide an overall ZTV with descriptions of the heights of components of the Proposed Development. Figures 7.5 a-c provide a breakdown of the ZTV showing the theoretical viewsheds of individual components of the Proposed Development. While the inclusion of the auxiliary infrastructure mentioned is not specifically stated, it is accepted that the ZTVs provided are representative of the worst-case scenario of theoretical visibility.	It is noted that the Council agrees that the ZTVs are representative of the worst-case scenario of the theoretical visibility of the Proposed Development. An explanation of which infrastructure has been represented within the ZTV Figures is included in para 7.4.77 of ES Chapter 7 – Landscape and Visual [REP2-032]. The Cumberland Council dSoCG [D3.14] has been updated to confirm all matters relating to landscape raised in the Council's LVIA Review are addressed and agreed in as much as possible ahead of the discharge of DCO Requirements.
11.5	National Character Area (NCA 7 West Cumbria) - These were scoped out and were not assessed in the LVIA.	The Applicant's reasons for scoping this out, and the Inspectorate's agreement that this could be scoped out is recorded in the Scoping Opinion, I.D 334 [APP-097]. This was agreed after consultation with relevant bodies, including the Council.
11.6	Public Rights of Way (PROW) - Recreational routes / Public Rights of Way (PROWs) (Landscape Effects) - Viewpoint locations located on PROW within the study area confirm that recreational routes have been considered within the submitted LVIA (see viewpoints 1, 8, 10, 11, 12, 13 & 14). Recreational routes are typically assessed within the visual assessment.	Noted.
11.7	Open Access Land (Landscape Effects) - CRoW access land appears to be considered with the inclusion of viewpoints 13 and 14 which are from within CRoW access land within the Lake District National Park Open Access Land is typically assessed within the visual assessment.	Noted.

Ref	Matters Raised	Applicant Response
11.8	Other views and visual amenity beyond the 2.5km study area - Four viewpoints (Viewpoints 11-14) are located outside of 2.5km of the Proposed Development. The Lake District National Park (LDNP) and the World Heritage Site (WHS) have been included in the assessment and is evidenced with LDNP landscape character areas being included in the landscape assessment. These areas outside 2.5km have also been assessed. Following site visits for this review, the study area of 2.5km is considered acceptable, and it is unlikely that there would be any significant landscape or visual effects outside of this study area. The LDNP and WHS are correctly included within the assessment.	Noted.
11.9	Heritage Assets (Landscape Setting) - The setting of heritage assets is assessed within Chapter 6 Cultural Heritage.	Noted.
11.10	Lighting - Effects due to lighting were not included in the submitted LVIA. The proposed lighting is described in ES Chapter 3 -Site and Proposed Development Description. NB: 'The Council agreed to the effects of lighting being scoped out of the ES in their Scoping consultation response to the LVIA.' (Table 7.1). Lighting however is considered in the Biodiversity topic with the need to consider lighting design and measures taken to avoid or minimise lighting impacts on ecological receptors. This should also include consideration of effects relating to intermittent lighting sources such as motion activated security lighting	<p>The impacts from operational lighting are addressed in ES Chapter 8- Biodiversity [REP2-053], section 8.3, which indicates:</p> <p>'The use of lighting will be governed by the ecologically sensitive lighting strategy in accordance with the OLEMP. This will prevent the illumination of important habitats such as woodland and hedgerows.'</p> <p>This is secured by the OLEMP [APP-145] commitment to a sensitive lighting strategy:</p> <p>'...Lighting should be kept to the minimum required, with no upward directed lighting and should be directed away from features suitable for bats. In particular watercourse corridors, woodland edges, and hedgerows will be avoided.</p> <p>The location and associated lighting of any required temporary Site compound set up to facilitate maintenance should be advised by a suitably experienced ecologist prior to its installation. This should be kept to the minimum required for safety and security and avoid light spill onto sensitive habitats.'</p>
11.11	Landscape Mitigation and Enhancement - Mitigation proposals are included in the Landscape Strategy Plan shown in Figures 7.6.1–5. The Landscape and Visual assessments provide assessment at various phases of development including construction, operation (year 1), operation (after 15 years) and	Information about the height of mitigation planting included within the visualisations at Year 15 has been provided within the revised (D2) ES Appendix 7.1 – Landscape and Visual Methodology [REP2-034].

Ref	Matters Raised	Applicant Response
	<p><i>decommissioning. This therefore assesses the Proposed Development first without mitigation measures (year 1) and with mitigation measures (year 15). Information about the height of mitigation planting included in the visualisations at Year 15 is not obvious within the report. There does not appear to be an explanation. The mitigation measures proposed seek to strengthen the existing landscape features where possible. This includes the infilling and enhancement of existing, enhancing existing woodland and scrub areas as well new woodland planting (along road edges (in the north) and watercourses in the southern area. There is also some hedgerow tree planting along Branthwaite Edge Road on the eastern boundary. These measures would, over time, help to reduce the visibility of the Proposed Development by screening views from the roads which run adjacent to the Site. Further planting of extra woodland and/or hedgerow trees would be suitable along the west of Branthwaite Edge Road. Where the avoidance of a likely significant effect is reliant on mitigation measures, these should be described within the ES along with the proposed methods by which they will be secured through the DCO, assisted by a plan or figures where appropriate. Embedded mitigation, landscaping and planting</i></p>	<p>A full response on the recommendation for further planting of extra woodland along the west of Branthwaite Edge Road is provided in the ARRR [REP1-002]. In summary, the Applicant considers that the combination of the existing dry-stone walls, hedgerows, and tree belts along the road, with the tree and hedgerow planting proposed by the LSP [REP2-046] provide suitable visual screening from the visual receptors (both from static residents and from transient views of road users) and aid integration of the Proposed Development into the landscape.</p> <p>Likely significant effects prior to mitigation, and the residual effects (significant and non-significant) following mitigation are included within section 7.5 and 7.7, and summarised in Table 7.7 of ES Chapter 7 – Landscape and Visual [REP2-032]. Mitigation measures are outlined in section 7.6 and further detailed via the OLEMP [APP-145] and the LSP. These will be secured by DCO Requirement 6 for a final Landscape and Ecology Plan (LEP), and Requirement 7 for the final LEMP, and must be in substantially accordance with the LSP and OLEMP.</p> <p>Through further engagement since the Council's LIR it is the Applicant's understanding that while Council would find it beneficial to have further detail on planting heights/mixes, and a review of the species proposed (e.g. Table 3.3 of the OLEMP), the Council are satisfied on the locations of proposed measures on the LSP</p> <p>With regard to the further detail, it has been agreed that the OLEMP provides an appropriate framework for the provision of the required details in the final LEP and LEMP, with the Council able to review the detailed measures as part of the discharge of DCO Requirements. It is the Applicant's position that this detail can only be available as part of the final design process in associated with the DCO Requirements further to a layout being available and updating ecological baseline surveys.</p> <p>This has been agreed as per the Cumberland Council dSoCG [D3.14] which has been updated to confirm all matters relating to landscape raised in the Council's LVIA Review [AS-005] and LIR [REP2-058] are addressed and agreed in as much as possible ahead of the discharge of DCO Requirements, and also that the Council will</p>

Ref	Matters Raised	Applicant Response
		expect the Applicant to have regard for this sort of application phase when preparing the detailed design and discharge of Requirements.
11.12	LVIA Assumptions and significance - Heights and dimensions of components of the Proposed Development are set out in ES Chapter 3 Site and Proposed Development Description (Table 3.2). The heights correspond to the heights stated on relevant ZTV plans (Figures 7.4a-b & 7.5a-c) LVIA assessment of Significance	Noted.
11.13	A thorough methodology is provided in Appendix 7.1 - Landscape and Visual Methodology. Para 3.9.2 within that appendix determines what effects are assessed as 'significant'. There are generally good descriptions where judgements have been made, particularly in Appendices 7.2 and 7.3, the schedules of landscape and visual effects respectively.	Noted.
11.14	Visual Receptors - There is evidence within Table 2.1 of Appendix 7.1 that viewpoints were added following consultation with the relevant consultation bodies. The judgement of the sensitivity of receptors appears to follow relevant guidance.	Noted. The Council and the LDNPA were consulted to agree on the View Locations (VL) included within Table 2.1 of Appendix 7.1 Landscape and Visual Methodology [REP2-034].
11.15	Photomontages - Para 2.5.14 and 2.5.15 within Appendix 7.1 outline the viewpoints chosen to be taken to photomontage stage and explains that they will be produced as per the guidelines - Landscape Institute TGN 06/19 Type 3. It appears that these were agreed following consultation. The visualisations provided in Appendix 7.6 Visualisations appear to be produced in line with best practice guidelines and contain the components described in the scoping response.	Noted. The Council and the LDNPA were consulted to agree the photomontages produced for the VLs which have been produced in line with best practice guidelines.
11.16	Sequential Views - Views from local roads and footpaths are, in some cases, covered by representative viewpoints, however, the sequential views do not seem to be assessed. For example, VL2b is representative of views from the unclassified road east of Gilgarran, but it is not representative of the worst-case scenario views from this route which would be further east when driving	<p>A full response on this matter is included within Table 2.3 of the ARRR [REP1-002] and is summarised below:</p> <p>The Council and the LDNPA were previously consulted to agree the selection of VLs. The Applicant considers that the request for additional or alternative VL would not change the overall conclusions or effects reported within ES Chapter 7 – Landscape</p>

Ref	Matters Raised	Applicant Response
	<p><i>through the Site. Similarly, VL3c on Dean Cross Road does not consider the worst-case views which are to the east of the viewpoint. VL6a and VL7 give a good representation of views from Branthwaite Edge Road which runs along the eastern edge of the Site.</i></p>	<p>and Visual Impact [REP2-032], and therefore the additional viewpoints are not required, for the reasons set out within the AREQ1 [REP2-010] and ARRR [REP1-002] and summarised below.</p> <p>It is considered that the representative VLs within ES Chapter 7 provide a reasonable overview of visibility from nearby routes and roads with similar proximity the Site.</p> <p>The Council's LVIA Review [AS-005] concludes in Para 2.17 that 'Overall, the scope of the assessment is proportionate to the scale of the proposed development'.</p> <p>Following engagement with the Council since the LIR [REP2-058] it is the Applicant's understanding that there is overall agreement on the conclusions of effects, and that while differences of professional judgements regarding the selection of VL are acknowledged, they do not reflect any fundamental disagreement as to the conclusions of ES Chapter 7 and associated appendices. This is reflected in the updated Cumberland Council dSOCG [D3.14]</p>
11.17	<p>Review of Submitted LVIA Summary - This review has been undertaken following the Guidelines for Landscape and Visual Impact Assessment (GLVIA), 3rd Edition (2013) and the Landscape Institute in their Technical Guidance Note 1/20 issued in January 2020 - Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs). The scope of the assessment meets the requirements set out in the Scoping Opinion.</p>	<p>The Council's agreement of the methodology of the LVIA is noted and reflected in the updated dSoCG [D3.14] which confirms all matters relating to landscape raised in the Council's LVIA Review [AS-005] and LIR [REP2-058] are addressed and agreed in as much as possible ahead of the discharge of DCO Requirements.</p>
11.18	<p><i>The Preliminary Environmental Information Report (PEIR) submission has thoroughly examined the consultation responses and have been provided, except:</i></p> <p><i>landscape assessment of several LDNP landscape character areas where potential landscape effects may be experienced;</i></p> <p><i>Information about the height of mitigation planting included in the visualisations at Year 15.</i></p>	<p>The PEIR provides information from an earlier stage of the Proposed Development prior to the application. Within the PEIR at paragraph 7.3.42 it is acknowledged that there is overlap between the published Landscape Character Assessments ('LCA') of the Council and the LDNPA, and that the landscape assessment will focus on the assessment of the LDNP Landscape Character Types (LCT). This was undertaken for the PEIR assessment which concluded limited effects and a number of receptors were discounted within ES Chapter 7 – Landscape and Visual Impact [REP2-032].</p>

Ref	Matters Raised	Applicant Response
	<i>A summary of the findings of the review of the assessment methodology identified these were carried out according to guidance.</i>	<p>The approach taken was consulted through submission of the PEIR and is affirmed in the LDNPA dSoCG [D3.13]. The LDNPA is in agreement that the assessment of landscape character of the LDNP is appropriate and that effects are not significant given the distance between the Proposed Development and the receptors.</p> <p>A response on information regarding the assumed height of planting in the visualisations is provided at ref 11.11 above.</p>
11.19	<i>A summary of findings of the review of the assessment of effects shows that judgements of effects are correct. Some of the assessment is not clear and transparent as the assessment is generally descriptive in its judgements, some processes and references are lost within the scale of submitted documents.</i>	<p>The Council's agreement of the assessment of landscape and visual effects is noted and will be reflected within the Cumberland Council dSoCG [D3.14]. As set out in the ARRR [REP1-002], the Applicant considers that ES Appendix 7.2 – Schedule of Landscape Effects [APP 120], and ES Appendix 7.3 – Schedule of Visual Effects [REP2-036] provide a suitable summary of the assessment process. Furthermore, written summaries are provided in sections 7.5 and 7.7 of the ES Chapter 7 – Landscape and Visual Impact [REP2-032].</p>
11.20	<i>The chosen locations for VPs 2b and 3c are not worst-case scenario which is not best practice. Photography for VP 14 is unclear. Additional information that would be useful include: Multiple ZTVs showing the visibility of the different Areas (Area A, B & C); View from top of Dean Cross Road; High quality and clear photography (particularly from the LDNP); Sequential views from Branthwaite Road and Dean Cross Road; Inter relationship with Cultural Heritage; Some data for VP unclear – dates (summer or winter), grid references and quality.</i>	<p>A response on the locations for VLs 2b and 3c is provided above at ref 11.16.</p> <p>In relation to photography from the LDNP and VL14, as set out in the ARRR [REP1-002], reasonable steps were taken in accordance with guidance (LI TGN 06/19) to collect baseline photography, however given the location (elevated landform within the north west of England) weather conditions on Site were variable. Locations (including those within the LDNP, which is located around 3.2km east of the Site) were visited on multiple occasions to capture the best available photography. The Applicant acknowledges that due to distance, photography is not always representative of a clear day with excellent visibility but considers the photography submitted is robust and suitable to inform the assessment and application. Furthermore, baseline photography was made available via the PEIR and reshared with stakeholders on 6th September 2024 to allow for review. At no previous stage was the image quality questioned. The Applicant considers that no further baseline photography is required to support the examination.</p>

Ref	Matters Raised	Applicant Response
		<p>A response on the multiple ZTVs requested is provided above (11.3).</p> <p>A response on sequential views is set out above (11.16).</p> <p>In relation to the accuracy of grid references, the Applicant has made administrative corrections to ES Appendix 7.5 – View Location Photosheets [REP2-038] to [REP2-045] and ES Appendix 7.6 – Visualisations [REP2-047] to [REP2-052] submitted at D2. The Applicant does not consider that this impacts the conclusions or judgements reached within the assessment of ES Chapter 7 [REP2-032].</p> <p>The Applicant's agreement with the Council on this matter, as one of differences in professional judgment that do not undermine ES Chapter 7 conclusions is reflected in the updated dSoCG [D3.14] which confirms all matters relating to landscape raised in the Council's LVIA Review [AS-005] and LIR [REP2-058] are addressed and agreed in as much as possible ahead of the discharge of DCO Requirements.</p>
11.21	<i>More mitigation measures are recommended with more hedgerow tree / woodland along Branthwaite Edge Road. There is not clear inter relations</i>	A response to this is provided above (11.11).
11.22	<i>There is not clear inter relationship between chapters of different topics. For example Cultural Heritage contains landscape related assessments for the settings of historic assets.</i>	As set out in the ARRR [REP1-002], ES Chapter 7 – Landscape and Visual Impact [REP2-032] aimed to simplify and avoid double counting through the assessment of effects on the same receptors by leaving the assessment of the setting of heritage assets to ES Chapter 6 – Cultural Heritage [REP2-027].
11.23	Independent Landscape and Visual Summary - <i>The comparison of the independent LVIA and the submitted LVIA are mostly similarly. The GLA independent assessment judgements for landscape align closely to the submitted LVIA judgements.</i>	It is noted that there is alignment on the assessment conclusions of ES Chapter 7 [REP2-032]. This agreement is reflected within the Cumberland Council dSoCG [D3.14]
11.24	<i>For visual, there are some minor differences between the judgements in the GLA independent assessment and the submitted LVIA, however, the level of significance would remain the same for all viewpoints except VL14.</i>	As set out in the ARRR [REP1-002], the Applicant notes this comment, and this results from the methodological variation. The Council's LVIA Review [AS-005] assessment criteria do not include 'Very High' which the Applicant's assessment

Ref	Matters Raised	Applicant Response
		reserves for WHS i.e. international designations. ES Appendix 7.1 – Landscape and Visual Methodology [REP2-034] identifies this.
11.25	<i>The cumulative effects would be Moderate adverse (significant) with Lost Rigg and the independent LVIA concurs with the submitted LVIA.</i>	The Applicant welcomes this comment, in agreeing with the conclusions reached in ES Appendix 7.4 - Cumulative Assessment [D3.8].

Table 2.9: Ecology and Biodiversity, including OLEMP & CEMP (Section 12)

Ref	Matter Raised	Applicant Response
12.1	<i>The following ALP1 policies are considered relevant: Policy SA24 Green Infrastructure; Policy S35 Protecting and Enhancing Biodiversity and Geodiversity; Policy S36 Air, Water and Soil Quality and Policy DM17 Trees, Hedgerows and Woodland.</i>	The Applicant considers that the Proposed Development is fully compliant with these policies. Compliance with these policies is set out within Section 6.7 of the PS [AS-10] and Table 3.1 of the PCD [APP-027].
12.2	<i>Biodiversity is assessed in Chapter 8 of the ES. This chapter is supported by the following ...</i>	Noted.
12.3	<i>From the Scoping Opinion certain matters relating to Ecology were Scoped out: Impacts of Operational Traffic and Access – noise, vibration and visual disturbance; Potential Effects on Designated sites and Notable habitats due to a reduction in air quality from increased traffic exhaust emissions; Habitat Loss, Disturbance and Fragmentation - modified sheep grazed grassland;</i>	Full details of the matters scoped out of the assessment are available in the ES Appendix 2.1 - EIA Scoping Report [APP-096]. It provides details and reasoning why matters relating to all topics, including ecology, have been scoped out.
12.4	<i>From the Scoping opinion additional matters relating to Ecology and Biodiversity were scoped in: Lighting to avoid disruption of ecological corridors such as hedgerows that provide flight-lines for bats; Bats with regard to foraging and commuting; Dormice; Ancient Woodland during Construction and Decommissioning; Veteran and Ancient trees; Important ecological features; Dean Moor County Wildlife Site (CWS); Absent species from surveys; Ponds and hedgerows; Invasive Non native Species (INNS).</i>	Full details of the matters scoped into the assessment are available in the ES Appendix 2.1 - EIA Scoping Report [APP-096]. It provides details and reasoning why matters relating to all topics, including ecology, have been scoped out.
12.5	<i>The Assessment Methodology is set out in ES Paragraph 8.3.2.</i>	The methodology is set out in section 8.3 of ES Chapter 8 – Biodiversity [REP2-053]. Details of the assessment methodology are provided from paragraph

Ref	Matter Raised	Applicant Response
		8.3.19 and confirm that impacts to biodiversity receptors follow the standard industry approach as set out in Guidelines for Ecological Impact Assessment in the UK and Ireland (CIEEM 2018) ⁶ .
12.6	<i>The Council has commissioned an independent review and assessment of the submitted documentation by a qualified Ecologist. They have raised comments relating to the shadow HRA, BNG and Protected Species.</i>	Noted.
12.7.1	shadow Habitat Regulations Assessment (sHRA) Comments relating to the Assessment of Likely Significant Effects (LSE) (Table 3.3) are provided below:	Noted.
12.7.2	Zone of Influence – 10km was established in the sHRA and ES, however the Planning Inspectorate Scoping Opinion ¹ 14th September 2023 states that the “the ES should consider potential effects to occur beyond 10 km, particularly where designated sites are designated for mobile species such as birds and bats. Effort should be made to agree the study area(s) with relevant consultation bodies.” With due consideration of functionally linked land for herring gull, the sHRA should include Morecambe Bay and Duddon Estuary SPA (which are beyond 10km) within the ALSE stage of the HRA the ZoI should also incorporate designated sites that are indirectly connected downstream of the site.	<p>The Applicant considered the potential effects of the Proposed Development to occur beyond 10km as set out in the EIA Scoping Report [APP-096]. However, it was concluded that the 10km buffer was appropriate and would take account of all protected European Sites which could be affected.</p> <p>Further, as part of the PEIR (ES Table 8.3 [REP2-053]) Natural England (NE) advised that an HRA would be needed for the River Derwent and Bassenthwaite Lake Special Area of Conservation (SAC) and the Solway Firth Special Protection Area (SPA). NE did not specifically highlight the need to consider Morecambe Bay and Duddon Estuary SPA which lies approximately 23km to the south of the Site.</p> <p>There is agreement on the overall scope of the sHRA and the sites taken forward to the Screening Assessment and Appropriate Assessment from NE as set out in their dSoCG [D3.16]</p> <p>In their RR [RR-009] and Written Representation (WR) [REP2-060], NE has advised that the 10km zone of influence adequately addresses the potential</p>

⁶ CIEEM (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. V1.2 (Updated April 2022) Chartered Institute of Ecology and Environmental Management.

Ref	Matter Raised	Applicant Response
		<p>impacts of the development on European sites and their qualifying interest features, including areas of functionally linked land used by mobile species.</p> <p>NE advise that, as Herring Gull are a highly mobile species with a large foraging range up to 50km from their roosting colonies, inclusion of SPA's within a larger radius to assess impacts on this species is not reasonable and that a 10km radius is suitably precautionary [REP2-060]. Impacts on the Morecambe Bay & Duddon Estuary SPA do not therefore need including in the sHRA for the Proposed Development.</p> <p>In light of NEs WR it is also concluded that the Zol has sufficiently incorporated designated sites that are indirectly connected downstream of the Site.</p>
12.7.3	<p>Potential treats and pressures – INNS (Invasive Non-Native Species) – Table 3.3 of the sHRA states that the application site is 'far' from Lake District High Fells SAC and North Pennine Dales Meadows SAC and screens out LSE on this basis. Further detail is required, including actual distances and any potential hydrological connections between the application site and these Habitats Sites to accurately screen out this LSE.</p>	<p>The details of the European Sites, proximity to the Site, and qualifying features are included in sHRA Table 3.1. The Lake District High Fells SAC is located 8km to the southeast and North Pennine and Dales Meadows SAC is located 8.9km to the east. SAC locations are identified on sHRA Figure 3.1 [APP-156].</p> <p>ES Chapter 8 - Biodiversity [REP2-053] paragraph 8.5.9 confirms that there is no direct downstream hydrological pathway between the Site and each of these two designated areas, and on that basis no direct or indirect effects are anticipated, and further assessment was not progressed within the sHRA.</p> <p>There is agreement on the overall scope and methodology of the sHRA and the sites taken forward for assessment in the NE dSoCG [D3.16].</p>
12.7.4	<p>Pollution – It is not clear in the text whether LSE is anticipated or not, it is presumed River Derwent and Bassenthwaite Lake SAC has been scoped in, however this is not explicit. No clear conclusion is drawn in relation to the River Ehen SAC and justification for scoping out Lake District High Fells SAC and North Pennine Dales Meadows SAC is required.</p>	<p>In Table 3.3 of the sHRA [APP-156], the heading 'Conclusion on LSE' identifies which designated areas may be at risk from each of the identified threat or pressure. Section 4 'Screening Assessment', which is supported by Appendix C, sets out what has been scoped-in and what requires further consideration at the Screening stage.</p> <p>ES Chapter 8 – Biodiversity [REP2-053] has assessed the impacts to the statutory designated areas identified within the Zol during construction</p>

Ref	Matter Raised	Applicant Response
		<p>(paragraphs 8.5.6 to 8.5.10) and operation (Paragraphs 8.5.33 to 8.5.37), albeit operational impacts to River Ehen SAC, Lake District High Fells SAC, and North Pennine Dales Meadows SAC has been scoped out due to the absence of a hydrological link.</p> <p>There is agreement on the overall scope and methodology of the sHRA and the sites taken forward for assessment in the NE dSoCG [D3.16]</p>
12.7.5	Human induced changes in hydraulic conditions – <i>The statement on likely changes to SACs is not clear, clarification is required regarding why there will be no direct change and which Habitat Sites this assessment applies to. This does not address indirect changes.</i>	<p>Owing to the nature of the Proposed Development, a solar development, which for the most part is located on intensively grazed pasture and which will not require any water abstraction or impoundments, and which is distant from the River Derwent and Bassenthwaite Lake SAC and River Ehen SAC, then human induced changes will not occur, either directly or indirectly.</p> <p>Table 3.2 of the sHRA [APP-156] sets out what designated site is considered to be at risk from each of the threats and pressures identified.</p> <p>There is agreement on the overall scope and methodology of the sHRA and the sites taken forward for assessment in the NE dSoCG [D3.16].</p>
12.7.6	Siltation – <i>LSE is identified in relation to River Derwent and Bassenthwaite Lake SAC but River Ehen SAC is scoped out, however further detail is required to explain why LSE is not anticipated at other Habitats Sites.</i>	<p>Table 3.2 of the SHRA [APP-156] sets out what designated site is considered at risk from each of the threats and pressures identified. This is based on a review of the relevant Conservation Objectives published by NE and threats which affect site integrity. Siltation is only considered a threat to River Derwent and Bassenthwaite Lake SAC and River Ehen SAC. However, there is no hydrological link to River Ehen, as stated in Table 3.3.</p> <p>Paragraph 8.5.9 of ES Chapter 8 - Biodiversity [REP2-053] identifies that the North Pennine Dales Meadows SAC, Lake District High Fells SAC and the River Ehen SAC are all located over 6km from the Proposed Development with no direct downstream hydrological pathway and as such direct impacts are considered unlikely during construction. Indirect impacts are also unlikely given</p>

Ref	Matter Raised	Applicant Response
		<p>the distance between the Proposed Development and the designated areas, the intervening habitats and the limited duration of construction works.</p> <p>There is agreement on the overall scope and methodology of the sHRA and the sites taken forward for assessment in the NE dSoCG [D3.16].</p>
12.7.7	<p>Changes in species distribution – Further detail is required on how the construction phase of the project could affect distribution of qualifying features (fish species and otter are named) of the River Derwent and Bassenthwaite Lake SAC, with detail on their presence and distribution on site. If pollution is the driver for this impact pathway, qualifying features that are not recorded on site must also be considered. The effects of pollution may be determined downstream of the site and this must be given consideration. In addition, further detail is required to explain why LSE is not anticipated at other Habitat Sites, particularly North Pennine Dales Meadows SAC where this threat is identified in the SIP.</p>	<p>The mechanism by which species distributions could be changed is indicated in Table 3.3 of the SHRA [APP-156], that driver being pollution only, and which also applies only to the River Derwent and Bassenthwaite Lake SAC. The purpose of Table 3.3 is to identify threats and pressures relevant to the Proposed Development, with further detail presented in Section 4 and Appendix C Screening Matrix, where relevant. Other designated sites have been scoped out due to their distance from the Site as shown in Table 8.4 of the ES Chapter 8 – Biodiversity [REP2-053], with the River Ehen SAC also being within a different catchment to the Site.</p> <p>There is agreement on the overall scope and methodology of the sHRA and the sites taken forward for assessment in the NE dSoCG [D3.16]</p>
12.7.8	<p>Water pollution – Water pollution is listed as a threat for the River Derwent & Bassenthwaite Lake SAC within the Site Improvement Plan, however only Pollution to groundwater is included in Table 3.2 and not Pollution to surface waters. In Table 3.3 Pollution to surface waters must be considered in relation to this Habitat Site.</p>	<p>Pollution to ground water is only considered as a threat to River Derwent and Bassenthwaite Lake SAC and Solway Firth SPA. Pollution to surface water is not considered as a threat in the JNCC Standard Form for the SAC and is therefore not pulled forward into Table 3.3.</p> <p>There is agreement on the overall scope and methodology of the sHRA [APP-156] and the sites taken forward for assessment in the NE dSoCG [D3.16] .</p>
12.7.9	<p>Marine water pollution – the sHRA states “The Proposed Development will not lead to any marine pollution which could impact the Solway Firth SPA”. The Solway Firth is connected to the project site via the River Derwent catchment and therefore the potential for LSE as a result of this pathway must be fully assessed.</p>	<p>Marine water pollution has been ruled out due to the nature of the Proposed Development – a solar farm on intensively grazed pasture, which is unlikely to create any pollution events which could have an effect on the integrity of the Solway Firth SPA. Furthermore, the Site lies 6.3km upstream of the River Derwent and Bassenthwaite Lake SAC, which flows for a further 9.75 km before entering the Solway Firth at Workington. Such distances, the dilution of any</p>

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		<p>pollution events and the intervening agricultural, residential and commercial land use would not lead to any marine water pollution events.</p> <p>There is agreement on the overall scope and methodology of the sHRA [APP-156] and the sites taken forward for assessment in the NE dSoCG [D3.16].</p>
12.7.10	<p>Problematic native species – <i>This is assessed in relation to Lake District High Fells SAC only, however this impact pathway is not listed within the SIP and it is not clear what the impacts (or lack thereof) would be as a result of this project. Clarity is required.</i></p>	<p>This threat has only been identified for Lake District High Fells SAC – not for any of the other designated areas. The Proposed Development is a solar farm on intensively grazed pasture, it will not have any influence on problematic native species, to a site which is 8km away.</p> <p>There is agreement on the overall scope and methodology of the sHRA [APP-156] and the sites taken forward for assessment in the NE dSoCG [D3.16].</p>
12.7.11	<p>Modification of cultivation practices, Mowing / cutting of grassland, Fertilisation – <i>All three of these pathways are assessed in terms of North Pennine Dales Meadows SAC only, clarity on why these pathways do not apply to the project is required.</i></p>	<p>These threats have only been identified as being applicable to the North Pennine and Dales Meadows SAC as set out in paragraph 3.2.2 of the sHRA [APP-156]. The Proposed Development is a solar farm on intensively grazed pasture, it will not have any influence on land use practices at a designated area over 8.9km away.</p> <p>There is agreement on the overall scope and methodology of the sHRA and the sites taken forward for assessment in the NE dSoCG [D3.16].</p>
12.7.12	<p>Screening assessment overview – <i>this should be reviewed and amended in light of the above comments.</i></p>	<p>During the assessments the Applicant has exercised professional judgement and taken account of the nature of the Proposed Development, the intervening distance, land use between each area and the Site, and the inherent (embedded) mitigation employed during construction when considering the threats and pressures relevant to each of the designated areas.</p> <p>There is agreement on the overall scope and methodology of the sHRA [APP-156] and the sites taken forward for assessment in the NE dSoCG [D3.16].</p> <p>For these reasons, a further review is not considered necessary and agreement on all matters relating to biodiversity including the soundness of the sHRA is reflected in the updated Cumberland Council dSoCG [D3.14].</p>

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12.7.13	Screening Matrix – Table 4.2 screening matrix lacks clarity; there is no pathway shown for the first rows of this table and it is not clear how the differences between construction and operational phase have been assessed. In addition, the matrix assesses the project in-combination but further detail is required on what projects or plans have been scoped in. Further clarification is required regarding ALSE of the project alone and in-combination with other plans and projects.	<p>Paragraph 4.2.4 of the sHRA [APP-156] confirms that the full assessment is provided in Appendix C and that Table 4.2 is a summary. Appendix C also provides detail of the in-combination effects and clarifies that the other applications assessed are those presented in ES Chapter 8 - Biodiversity [REP2-053].at Table 8.6.</p> <p>In their RR [RR-009], NE is satisfied that there are no issues that will result in adverse effects on the integrity of the River Derwent & Bassenthwaite Lake SAC and Solway Firth SPA internationally designated sites, subject to the appropriate mitigation outlined in the application documents being secured adequately. On this basis, it is concluded that the screening matrix has been interpreted and does not require a revision.</p> <p>There is agreement on the overall scope and methodology of the sHRA and the sites taken forward for assessment in the NE dSoCG [D3.16].</p>
12.7.14	Data Inconsistencies – Table 4.4. highlights that common gull were recorded at over 1% of the SPA population but Section 4.3.9 states that results show this species as present at under 1% of the SPA population. Similarly, herring gull were recorded at 0.4% of the SPA population as shown in Table 4.4 however Section 4.3.16 implies they were recorded at over 1% of the population. Section 5.3 goes on to state that herring gull were recorded at 7.3% of the SPA population. Accurate data regarding species recorded during wintering bird surveys must be utilised within this assessment in order to draw conclusions on LSE and effects upon integrity of the Solway Firth SPA.	<p>Table 4.4 of the sHRA [APP-156] shows that common gull is at 0.98% of the 5-year peak mean and 0.32% of the SPA Population. The value of 1.8% is a % of the SPA population of the overall GB population. Paragraph 4.3.9 is correct.</p> <p>For herring gull, 0.4% relates to the % of the Solway Firth population when compared against the GB population. The 5-year peak mean of 7.41% is the relevant figure which is carried through to section 5.3.</p> <p>The Applicant considers the data presented in Table 4.4 is accurate.</p>
12.7.15	Errors – There is a typo in Section 5.3.1, herring are not considered in this Appropriate Assessment. Section 5.3.2 states that herring gull were recorded on only two of the seven visits with peak flock counts exceeding 1% yet Table 5.2 indicates counts of herring gull exceed 1% on three different months. Bird survey data must be accurate when considering in-combination impacts upon Solway Firth SPA.	<p>Typographical error noted; we note the discrepancy between sHRA [APP-156] paragraph 5.3.20 and Table 5.2 - herring gull are present at Lostrigg Solar on three of the seven months over 1% of the five-year peak month.</p> <p>Nonetheless, this is a transcription error and data is accurate. The error does not change the conclusions of the sHRA.</p>

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12.7.16	<p>Functionally linked habitat – Section 4 refers to consultation with Natural England (NE) that highlights functionally linked habitat for qualifying features (herring gull) directly adjacent the site. NE link this population of herring gull to Morecambe Bay and Duddon Estuary SPA, however this Habitat Site is not included in the ALSE. It is assumed that this is because Morecambe Bay and Duddon Estuary SPA is located over 10km from the site and outside the Zol, however clarification is required as it is considered that this SPA should be included in the ALSE. Appendix C concludes that the herring gull recorded within the site are likely to form part of the population for Morecambe Bay and Duddon Estuary SPA and not Solway Firth SPA, however evidence is required to demonstrate this.</p>	<p>In their WR [REP2-060], NE have advised that:</p> <p><i>'the 10km zone of influence adequately addresses the potential impacts of the development on European sites and their qualifying interest features, including areas of functionally linked land used by mobile species.'</i></p> <p>NE also confirm their agreement that the conclusions relating to Solway Firth SPA and River Derwent and Bassenthwaite Lake SAC are sound.</p> <p><i>Natural England advise that, as Herring Gull are a highly mobile species with a large foraging range up to 50km from their roosting colonies, inclusion of SPA's within a larger radius to assess impacts on this species is not reasonable and that a 10km radius is suitably precautionary. Impacts on the Morecambe Bay & Duddon Estuary SPA do not therefore need including in the shadow Habitats Regulations Assessment for the proposed scheme'.</i></p> <p>The Applicant does not consider it necessary to include Morecambe Bay and Duddon Estuary SPA within the sHRA, the approach to which has been affirmed by NE as per the dSOCG [D3.16].</p>
12.7.17	<p>Changes in Species Distribution – Section 5.2.12 – 5.2.26 is unclear, the assessment appears to imply that there is no effect on integrity of the River Derwent and Bassenthwaite Lake SAC but goes on to mitigate against effects of the project. This section requires refinement to provide a clear and concise assessment of the project's effects upon the integrity of the SAC.</p>	<p>Section 5.2.26 of the sHRA [APP-156] concludes there will be no significant effects to the integrity of the River Derwent and Bassenthwaite Lake SAC and this has been affirmed by NE in their WR [REP2-060].</p>
12.7.18	<p>Section 5 – the assessment refers to availability of suitable foraging habitat in terms of the project itself and the Lostrigg solar development which is considered in combination with this project and uses this as justification that loss of foraging habitat would not adversely affect the herring gull populations using the site and Lostrigg solar farm site. No evidence regarding surrounding usage by herring gulls is provided within the HRA to confirm this. Certainty is required in order to rule out impacts on the integrity of the Solway Firth SPA, such certainty is currently lacking in this assessment, to</p>	<p>As per their RR [RR-009] and WR [REP2-060], NE is satisfied that there are no issues from the Proposed Development in-itself, or cumulatively in-combination with other developments, that will result in adverse effects on the integrity of relevant internationally designated sites, subject to the appropriate mitigation outlined in the application documents being secured.</p> <p>The Applicant is using professional judgement and experience to propose reasoning as to the pattern of flocks on the Site.</p> <p>Paragraph 5.3.6 of the sHRA [APP-156] reads</p>

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	<p>address this greater detail regarding herring gull presence at Lostrigg is required.</p> <p>Conclusions drawn in Appendix C regarding the use of the site by herring gull are contradictory, the assessment notes that: "NE also stated that as herring gull were favouring the fields as a loafing area, rather than feeding, such that the actual ecological dependence on the fields within the Proposed Development is likely to be low."</p> <p>However, the following Section indicates that fields on site were in use by herring gulls due to abundances in resources as a result of agricultural practices (slurry spraying) but also after periods of high rainfall. Given the location of the site and high likelihood of periods of high rainfall, further justification that the site is only of value for loafing and not foraging is therefore required to support the conclusion that no effect on the integrity of Solway Firth SPA is anticipated.</p>	<p>'The greater number of larger flocks could suggest a sudden increased attraction of the Site in this month caused by farming practices, such as manuring or slurry spraying (although no evidence of this was documented during the survey) or heavy rain increasing the availability of soil invertebrates⁴⁰. Notably, the survey in January carried out in Area C was undertaken in heavy, persistent rain'.</p>
12.7.19	<p>Wintering Bird Data – The sHRA highlights that wintering bird surveys have been completed to inform the assessment. Wintering bird surveys were undertaken during September 2023 – March 2024 and supplemented with data gathered from the nearby proposed solar development at Lostrigg (completed during September December 2024). Survey data is considered to be valid and compliant with CIEEM guidance ...at the time of writing this response.... However, the applicant should consider validity of data prior to submitting this application to the secretary of state and ensure that the sHRA assessment reflects the most up to date data set regarding wintering birds.</p> <p>Section 8.5.10 does not assess the significance of effects on all internationally designated sites, this is required for all sites scoped into this assessment. Section 8.5.30 & 8.5.32 states there would be a short term temporary negative effect as a result of construction works. However, the significance level assigned is not consistent with the conservation value as per CIEEM guidelines. Using the precautionary principal a significant effect upon an ecological receptor of local value would result in a significant effect at the local</p>	<p>Paragraphs 2.5.2 to 2.5.3 of the sHRA [APP-156] set out the periods of data collection. Wintering bird surveys were undertaken September 2023 - March 2024 with full details included in the Wintering Bird and Hen Harrier Survey Report (ES Appendix 8.6) [APP-155]. The ES was submitted to the Inspectorate in March 2025 which is one year since the end of surveys.</p> <p>The Applicant is aware of the validity of survey data, and accounting for the time needed to collate data, report and finalise an ES chapter, there will be an inevitable delay of finishing surveys and submitting a planning application. Accounting for the CIEEM advice note⁷, the data is appropriate given the Site has not changed management or purpose and remains an upland sheep farm</p> <p>ES Chapter 8 - Biodiversity [REP2-053] concludes on the assessment of the construction phase of the Proposed Development on Statutory Designated Sites which may be impacted by Likely Significant Effects (LSE) and where the integrity of the qualifying features may be undermined. Based on the results of the sHRA and supporting surveys the Applicant has completed this correctly.</p>

⁷ Advice Note on the Lifespan of Ecological reports and Surveys. Chartered Institute of Ecology and Environmental Management (CIEEM)

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	<p><i>level, or not significant at the local level. Not, as stated within the assessment, the site level.</i></p>	<p>Paragraphs 8.5.30 and 8.5.32 of Chapter 8 relate to the impact assessments of breeding and wintering birds respectively [REP2-053]. The Nature Conservation Importance of both breeding and wintering birds has been considered at the Local Level. Preceding paragraph 8.5.9 explains why three other statutory designated sites have been scoped out.</p> <p>The assessment of effects follows the methodology set out in Section 8.3 of the ES, particularly Section 8.3.29 which states</p> <p><i>‘Significant effects are qualified with reference to the appropriate geographic scale (shown above), noting that the scale of significance of an effect may not be the same as the geographic context in which the feature is considered important’.</i></p>
12.8.1	<p>Biodiversity Net Gain (BNG) - Comments relating to the BNG assessment are provided below:</p>	<p>In the NE dSoCG [REP2-018] Natural England agree that while mandatory BNG does not apply to NSIPs, the Proposed Development could deliver a number of habitat, hedgerow and watercourse units. NE acknowledge that the BNG figures in the BNG Report (Appendix 8.8) [APP-157] are indicative figures based on the LSP [APP-088] and OLEMP [APP-145].</p> <p>In their RR [RR-009] NE welcomes the inclusion of these calculations and note that the proposed gains are significantly above the intended 10% mandatory gain. NE are supportive of the enhancements opportunities presented in the OLEMP particularly for the Dean Moor County Wildlife Site (CWS) and the proposed enhancement of watercourses.</p> <p>Further, NE acknowledge that the BNG calculations could change on up-to-date assessment of baseline habitats in pre-construction and that it has been appropriate to take a conservative approach at this stage.</p> <p>As per the OLEMP the BNG metric will be updated based on updating baseline surveys and the final LEP (DCO Requirement 6), with these final figures to form the commitments that the final LEMP (DCO Requirement 7) will deliver.</p> <p>Whether for reasons of professional judgement or otherwise, any changes to the current metric at this stage would not alter any outcomes or commitments</p>

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		<p>such that reconsideration will not be of value to this Examination. The Applicant's conservative approach to BNG has been affirmed by NE as per the dSOCG [D3.16].</p> <p>For these reasons, no updates are required to the BNG Report and metric as per the updated Cumberland Council dSoCG [D3.14] which affirms the current approach subject to the Applicant having regard for application stage feedback when preparing the final BNG metric to be secured via the final LEP and LEMP.</p>
12.8.2	<p>[Bat] Habitat Assessment - Section 8.3.13 of the EclA states that trees and habitats were assessed using superseded guidance, clear justification for use of older guidance is required. No dates for surveys are given within this chapter, up to date survey data must be presented within this assessment.</p>	<p>Trees and habitats were assessed using current survey guidance at the time of survey (BCT, 2016). This guidance was updated in September 2023, and as stated in section 8.3.13 of ES Chapter 8 [REP2-053] the approach for assessing features and habitats suitable for bats is generally similar such that there is no difference in the assessment presented in the chapter. Survey dates are presented in the Bat Survey Report (Appendix 8.3) [APP-152].</p>
12.8.3	<p>Qualifications - Section 1.6.2 states 'all survey work and reporting was undertaken by experienced qualified ecologists in accordance with the code of professional conduct of the Chartered Institute of Ecology and Environmental management (CIEEM)'. Further information on surveyor's experience or qualifications is required to support this statement.</p>	<p>All ecological surveys have been undertaken by suitably qualified and experienced ecologists overseen by the ES Chapter 8 author who is an appropriately competent expert, as per the details provided in the Statement of Expertise [APP-095]. In response to this comment in the LIR the details of the surveying teams of the ecological surveys are provided at ARLIR Appendix B.</p>
12.8.4	<p>Appendix B - No quadrat or woodland plot data has been supplied to support the BNG condition assessments.</p>	<p>As set out in section 2.6.1 of the BNG Report (ES Appendix 8.8) [APP-157], condition of the habitats present within the Site was assessed during the UKHab survey. Condition scores were determined by reviewing the criteria within each habitat condition sheet in the Biodiversity Metric 4.0 Technical Annex. Further information on habitats can be viewed in Appendix 8.1 [APP-150] and Appendix 8.2 of the ES [APP-151].</p> <p>In the dSoCG [D3.16] NE acknowledge that the BNG calculations could change on up-to-date assessment of baseline habitats in pre-construction and that it has been appropriate to take a conservative approach.</p>

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		The Council have confirmed there is no expectation that additional quadrant data needs to be collected, but expect that where it is available, it will be utilised in the final BNG metric to be taken forward by the final LEMP, which will be secured by a DCO Requirement.
12.8.5	Mapping - An area in the south of the site (around Thief's Gill) is mapped on Figure 3.2 (Pre-development habitats, hedgerows and watercourses recorded on Site in Area C) as Other lowland acid grassland. This same area is also mapped as lowland acid grassland within the PEA and is described in Section 4.2.2. This area was surveyed in the NVC as Area 2 and was allocated a habitat type of M23b. M23b can correspond to one of three different UK Hab habitats including f2a lowland fens, f2b Purple-moor-grass and rush pastures and g3c8 Holcus – Juncus neutral grassland. However, none of these corresponding habitats is lowland acid grassland. Therefore, there is a discrepancy in the habitat data presented in the BNG report and the NVC report (see NVC report comments for further info).	<p>The area in question around Thief Gill contains a complex of different habitats, with various graduations, over a small geographical area. It was surveyed during the PEA [APP-150] and classified in line with UKHab classification system. It was also surveyed as per the NVC Survey Report [APP-151] using the NVC methodology, a separate system to UKHab.</p> <p>Assigning habitat types to complex areas such as this can be challenging, and the habitats assigned will depend on interpretation and professional judgement. To ensure consistency, habitats recorded during the PEA were those used to inform the assessment and metric in the BNG Report [APP-157].</p> <p>In the dSoCG [D3.16] NE acknowledge that BNG calculations could change on up-to-date assessment of baseline habitats in pre-construction, and that it is appropriate to take a conservative approach per the OLEMP [APP-145].</p>
12.8.6	BNG metric - The front cover of the Metric is missing information and requires completion. The metric favours retention and enhancement of habitats. Justification is required for the ecological benefits of felling an area of existing mixed woodland to replace with mixed scrub and acid grassland (Section 4.1.13).	<p>See reference 12.8.1.</p> <p>As the land not in lease yet, the conservative approach to the BNG metric has assumed worst case scenario of landowner activity. The potential for the habitat baseline to change between the survey period and the pre-construction period is a reason for the approach to BNG calculations as set out in the OLEMP [APP-145] and as affirmed by the dSOCG with NE [D3.16].</p>
12.8.7	Lowland fen has been recorded surrounding Pond 1. This area is described in Section 4.2.22 of the PEA report as 'swamp dominated by floating bulrush'. Lowland fen is a priority habitat and is described as 'peatlands which received water and nutrients from the soil, rock and ground water as well as rainfall' in the JNCC UK Biodiversity Action Plan Priority Habitat Description – Lowland Fens (2008).	The habitats assigned during survey and subsequent assessment will often depend on interpretation and professional judgement. As set out in the BNG Report [APP-157], this habitat will be retained and protected / enhanced.

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	<i>Lowland fen is considered to be an irreplaceable habitat under the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. Based on the information provided it's considered that the vegetation described is f2d Aquatic marginal vegetation. There is not a corresponding marginal vegetation habitat type within the Biodiversity Metric, however it is suggested that either an alternative wetland habitat type is used with suitable explanation, or that further evidence is provided to support that this area is lowland fen priority habitat.</i>	Given the small size of the habitat parcel, and the fact that it will be retained, any change to the habitat type in the metric would not significantly affect the overall outcome of the BNG Report.
12.8.8	Hedgerows - <i>The baseline hedgerows are not labelled in the metric or listed in Table 3.1 and so cannot be cross-referenced with the condition assessment sheets in Appendix B. One hedge of 36 was assessed as 'poor' but three hedges are included in the metric as 'poor'.</i>	See reference 12.8.1.
12.8.9	Individual Trees - <i>Section 4.1.2 explains why post-development tree planting has not been included in the metric or post-development plans at this stage. However, there is no explanation as to why individual trees shown on the baseline plans are not included within the metric calculation.</i>	<p>See reference 12.8.1.</p> <p>As set out in Section 4.1.2 of the BNG Report [APP-157], individual trees were not included in the post-development scenario until final numbers are established in updating surveys as per the OLEMP [APP-145]. For consistency, they were also not included within the pre-development scenario.</p> <p>As per Appendix 7.8 Arboricultural Impact Assessment (AIA) [APP-146] no tree felling is anticipated in association with the Proposed Development such that there should be no change in pre- and post-BNG values relating to trees unless any trees are felled by the owner (see 12.29) or are lost for natural reasons (disease or weather events). This is why an updating tree survey is committed to in the OCEMP [APP-108] to inform an up-to-date ecological baseline.</p>
12.8.10	Dean Moor CWS - <i>In Section 2.8 the southern part of the site falls within the Dean Moor County Wildlife Site (CWS). This designation has not been considered when classifying the strategic significance of the site. Any areas that fall within the boundary of Dean Moor CWS should have a strategic significance of 'formally identified in local strategy'. Areas that are adjacent of connected to the CWS should</i>	<p>See reference 12.8.1.</p> <p>The land within Area C which includes habitats within Dean Moor CWS was not formally identified as an area with strategic significance within the BNG Report metric [APP-157] due to its current use as intensively grazed grassland used for sheep farming. The habitats present bear little resemblance to its original</p>

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	<p><i>have a strategic significance of 'location ecologically desirable but not in local strategy'.</i></p>	<p>qualifying criteria and most have all but vanished. Adjacent habitats were similarly not considered as being ecologically desirable due to their current land use. Updating these areas to have a strategic significance of '<i>formally identified in local strategy</i>' would apply to both the baseline, and post-development scenario, and as such would not significantly affect the overall outcome of BNG assessment.</p> <p>The identification of strategic importance, if applicable, can be included in the final BNG metric to be included with the final LEMP in accordance with DCO Requirement 7.</p>
12.8.11	<p>Outline Landscape and Ecology Management Plan (OLEMP) - <i>The recommendation for a Landscape and Ecological Management Plan (LEMP) is welcome and this is recommended as a pre-commencement condition, requiring approval by the Local Planning Authority before works commence. The LEMP must include provisions for monitoring and review of the document at the end of each 5-year period, for the 40-year lifespan of the project. It is recommended that soil-testing is conducted to provide confidence that the creation of lowland acid grassland in the southern part of the site is achievable. Any seed mixes recommended for establishing grasslands under the solar arrays, must contain suitably shade tolerant species. A detailed plan to enhance and/or expand the wet acid moorland habitat on site is required in order to permit the construction of this development within Dean Moor CWS. Recommendations for habitat management within the Dean Moor CWS must be compatible with any existing habitat management plans and aims for the site. The outline grazing management plan must contain outline / example stock levels for all grazed areas.</i></p>	<p>As set out in Section 1.1.3 of the BNG Report (Appendix 8.8) [APP-157], BNG will be secured through the implementation of the LEMP that is substantially in accordance with the OLEMP (Appendix 7.7) [APP-145]. This provides the detail on how the habitats, hedgerows, and watercourses will be managed for the operational phase of the Proposed Development.</p> <p>The LEMP and Grazing Management plan (GMP) will be circulated to relevant stakeholders including Natural England for review and comment prior to the discharge of the Requirement.</p> <p>The Applicant is committed to enhance and improve biodiversity across the Site as has been set out in the OLEMP, which also commits to regular monitoring and formal updates to the LEMP to be submitted to the Council for approval every 5 years.</p>
12.9.1	<p>National Vegetation Classification (NVC) <i>The National Vegetation Classification (NVC) communities of the surveyed areas, with M23 Juncus effusus/ acutiflorus – gallium palustre rush pasture a common component of hillside flushes and the improved grassland a transitional habitat comprising MG6 and</i></p>	<p>Noted.</p>

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	<i>MG10 appear to be a sound assessment. However, the following comments need to be addressed to complete the assessment:</i>	
12.9.2	<p>[NVC] Mapping - The associated figures are provided in Phase 1, with the NVC areas depicted with a blue hashed boundary. The underlying habitats do not correspond with the description of areas in Section 3 and appear to have been mis-labelled. This is most pertinent to Area 3, which is described as herb deficient rye-dominated sward, but on the Figure 1 appears to be a large component of marshy grassland. Likewise, Area 1 is depicted as a large expanse of improved / modified grassland but is described in the report as a 'rush dominated marshy grassland'. For Area 2 the quadrat placement has 2 quadrats beyond the boundary of the survey area. As it is noted in the methodology that homogenous stands were assessed, we would urge the applicant to consider whether the habitat boundary needs to be expanded. Noting however that this would increase the area of M23 identified and would have implications for the subsequent BNG assessment.</p>	<p>In reviewing this comment on the NVC Survey (ES Appendix 8.2) [APP-151] the Applicant acknowledges NVC Survey Area 1 and NVC Survey Area 3 have been mislabelled on the NVC Survey Results figure (Fig 1). NVC Survey Area 1 is in the far southwest of Area C (within Dean Moor CWS) and NVC Survey Area 3 is in the northwest of Area C. It is not necessary to update the NVC Report as it does not change the conclusions reached in the ES assessment. Further, the administrative error will be corrected following the pre-commencement PEA which will include a UK Hab survey and condition assessment to update the BNG metric. See response in ref 12.8.1.</p> <p>NVC Survey Area 3, which is within Works No. 3 (see Works Plans [APP-007]) is a species poor modified grassland. NVC Survey Area 1 is within Dean Moor CWS, outwith Works Areas, within the area to be enhanced through the GMP. Potential impacts to both habitats have been correctly assessed in ES Chapter 8 [REP2-053]. Rationale for the location of survey quadrats in NVC Survey Area 2 is set out in Section 2.1.2 of the NVC Report.</p> <p>The NVC survey was undertaken within three areas which had potentially elevated botanical interest and which may be related to geological and/or hydrological conditions. These areas were selected due to their potential to be impacted by the Proposed Development, either through installation of solar panels (NVC Survey Area 3), or via enhancements to Dean Moor CWS (NVC Survey Areas 1 and 2).</p> <p>See the response at ref 12.8.1 in relation to BNG.</p>
12.9.3	<p>Survey Areas - It is not clear why Areas 1 – 3 were selected. There appears to be areas of lowland fen, acid grassland and species-rich neutral grassland that have not been subject to NVC survey. Can an explanation be included in Section 2.1 as to why and how survey areas 1, 2 and 3 were selected, and as such why were notable</p>	<p>As stated in section 1.1.3 of the NVC Survey [APP-151], a survey was undertaken within three areas identified during the PEA [APP-150] as potentially having elevated botanical interest. These areas were selected due to their potential to be impacted by the Proposed Development, either through</p>

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	<i>habitats such as lowland fen, acid grassland and species-rich neutral grassland were omitted from the assessment.</i>	installation of solar panels (NVC Survey Area 3), or to inform opportunities via enhancements to Dean Moor CWS (NVC Survey Areas 1 and 2).
12.9.4	NVC implications on BNG - <i>The results of the NVC report do not seem to have been considered in subsequent reports, particularly the BNG report. Both M23 communities (M23a and M23b) are stated to meet the definition of Purple Moor Grass and Rush Pasture (PMRP) a Habitat of Principal Importance listed under Section 41 of the NERC Act (2007). However, PMRP habitat is missing from the subsequent report figures and BNG calculations. The BNG report and metric must be updated to reflect the findings of the NVC survey.</i>	<p>See reference 12.8.1.</p> <p>As stated in ES Chapter 8 [REP2-053] paragraphs 8.3.7-8 and 8.4.16-19, and section 8.5.16 the results of the NVC Survey [APP-151], along with results from all surveys, have been used to inform the design of the Proposed Development, the assessment of potential effects, and the design of mitigation and enhancement measures.</p> <p>The presence of PMRP habitat within Dean Moor CWS is discussed in paragraphs 8.4.5 and 8.4.21 of the ES Chapter. As set out in section 8.5.11-8.5.14, qualifying habitats of the CWS within the Site will be retained and protected during construction. The CWS will be enhanced during operation through relaxation of grazing, facilitating the re-establishment of semi-natural habitats including those formerly present on the Dean Moor CWS, and associated benefits to flora, fauna, and water quality.</p> <p>The habitats assigned during surveys and subsequent assessment will often depend on interpretation and professional judgement. PMRP is a very variable habitat encompassing a wide range of plant communities. See ref 12.8.1 for the position on BNG.</p>
12.9.5	Recommendations - <i>The report makes no reference to the ecological significance of the identified habitats and botanical species, particularly in relation to the Vascular Plant Red List for England. The importance of PMRP, in relation to the NERC Act (2007) is provided in section 8.4.21 of Chapter 8 of the ES. There is no mention, however, to the areas of lowland dry acid grassland, swamp and flush communities. The subsequent OCEMP and OLEMP make minor reference to PMRP in relation to Dean Moor Country Wildlife Site. Greater clarity is required as to how lowland dry acid grassland, swamp and PMRP will be impacted by the development in</i>	<p>The NVC Report [APP-151] is a baseline report presenting the results of the survey of three discrete areas within the Site. All habitats within the Site were surveyed during the PEA [APP-150]. Nature conservation importance of all habitats within the Site, including lowland dry acid grassland, swamp and flush communities is provided in Table 8.5 of ES Chapter 8 - Biodiversity [REP2-053].</p> <p>Potential impacts to habitats are set out in paragraphs 8.5.16-21 of the ES, with mitigation set out in paragraphs 8.6.8-10. These habitats are generally located</p>

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	<p><i>Chapter 8 of the ES, and then how their avoidance / mitigation / compensation will be managed in the OCEMP and OLEMP.</i></p>	<p>in Works Number 6 of the Works Plans [APP-007], although parts of Survey Area 1 to the north of Area C are in Works Area 1.</p> <p>Mitigation is set out further within the OCEMP [APP-108] for the construction phase and the OLEMP [APP-145] for the operational phase. The OLEMP which includes protective measures, and the implementation of a GMP (in accordance with its Appendix A OGMP) which will provide benefits through relaxation of grazing, facilitating the re-establishment of semi-natural habitats including those formerly present on the CWS, and associated benefits to flora, fauna, and water quality.</p>
12.9.6	<p>Protected and notable species - Bats - The site was assessed for bat roosting, foraging and commuting in April 2023. This included external inspection of three buildings to be retained and ground level assessment of the trees within the site. The buildings were assessed as offering negligible suitability for roosting bats. Trees with potential roost features were noted along the road and to be likely present within the woodland beyond the western boundary. • Further detail is required on the methodology of the bat roost and activity surveys: • Confirmation the surveyor holds a Natural England bat survey licence; • Clarification of whether all trees could be fully visualised from the ground given in April they would be expected to be coming into leaf; • Clarification of equipment used; • Weather conditions during the period of static detector data analysed to demonstrate weather conditions were suitable for assessment of bat activity levels; and • Orientation of the microphone on the static detectors placed, especially those at low height, to demonstrate that these would adequately detect passing bats.</p>	<p>Details of methodology used for the bat roost surveys and bat activity surveys is presented in the PEA (ES Appendix 8.1) [APP-150] and the Bat Survey Report (ES Appendix 8.3) [APP-152]. Methods of tree and building assessment is included in Section 3.5 of ES Chapter 8 – Biodiversity [REP2-053] and which sets out the guidance used.</p> <p>All bats surveys were carried out by suitably experienced ecologists and in line with BCT Guidelines which were current at the time of the surveys.</p> <p>In the RR [RR-009] NE has no significant concerns with the application's approach to bats or the Proposed Development's potential for effects on bats/bat habitats based on the application documents.</p>
12.9.7	<p>Bat Roost Suitability - The PEA report recommends further survey where trees with bat roost suitability will be impacted. No further roost presence/ likely absence surveys appear to have been carried out, but it is not specified whether this is due to no direct or indirect impacts being anticipated. If trees are being retained, appropriate buffers should be specified to prevent indirect disturbance to any roosting bats potentially present. With regards to the bat activity</p>	<p>Information is contained in the ES Appendix 8.3 Bat Survey Report [APP-152].</p> <p>A number of more mature trees were recorded along the [REDACTED] that divides the northern ([REDACTED]) and southern parts ([REDACTED]) of the survey area however, and these were noted to contain potential roost features.</p>

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	<p><i>assessment, the habitat was assessed as offering low to moderate potential for use for foraging and commuting bats. Activity surveys were then undertaken over four periods between May and September 2023 (except June) using static bat detectors. Further justification or detail is required in the following areas:</i></p>	<p>As set out in ES Chapter 8 [REP2-053] section 8.5.23 there are no trees or buildings on-Site which support bat roosts (maternity, day, or hibernation) to be felled or demolished. Therefore, there will be no impact to any roosting site.</p> <p>No tree removal is anticipated in association with the Proposed Development as set out in Appendix 7.8 AIA [APP-146] with any tree works being carried out in accordance with BS3998:2010 'Recommendations for Tree Work' as per the Arboricultural Management Strategy at section 6 of the OCEMP [APP-108].</p> <p>The potential presence of bats in trees has been accounted for in OCEMP section 6 and paragraph 5.4.9 for the construction phase and at OLEMP [APP-145] paragraph 3.11.18 for operational phase. The NE RR [RR-009] confirms no significant concerns with respect to the application's approach to bats.</p>
12.9.8	<p>[bats] Habitat Value - <i>The site was assessed as offering low to moderate suitability for use for foraging and commuting bats, which deviates from the accepted categories under the Bat Survey Guidelines in use at the time (Collins, 2016) (i.e. low or moderate). The survey effort infers that the suitability was downgraded to low. Clarification is required on the classification of habitat value particularly as the presence of grazed grassland, hedgerows, watercourses and woodland would be indicative of moderate suitability as a minimum and may even be high suitability.</i></p>	<p>Details on the habitats present on Site are provided in the Appendix 8 PEA [APP-150]. The initial assessment of bat habitat value across the wider Site in the PEA was low-moderate, however when taking into consideration the condition, management regime, and distribution of these habitats, whilst also considering current land use and location within the landscape, the suitability for bats within the grazed grassland areas where the Proposed Development is to be located was assessed as low. This was supported by the results of the surveys from the Wind Farm which indicates a low level of bat interest in the area (see section 4.4.10 of Appendix 8.1). Section 2.4 of the Bat Survey Report (ES Appendix 8.3) [APP-152] expands on this. The NE RR [RR-009] confirms no significant concerns with respect to the application's approach to bats.</p>
12.9.9	<p>[bats] Survey Effort - <i>The subsequent bat activity survey effort did not follow the recommended survey effort specified in the Bat Survey Guidelines in place at the time (Collins, 2016) and justification is required for non-standard approach taken. The bat survey report indicates survey effort was designed on the basis of an assumed low</i></p>	<p>The 'BCT Guidance' (Collins 2016⁸) states on Page 58:</p> <p><i>'If the habitat has been classified as having low suitability for bats, an ecologist should make a professional judgement on how to proceed based on all the</i></p>

⁸ Collins J. (Ed) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition). The Bat Conservation Trust, London

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	<p><i>suitability rating and no further bat activity survey is recommended, however as noted above the habitats present would indicate a high level of suitability.</i></p>	<p><i>evidence available. It may or may not be appropriate for bat activity surveys to be carried out in low suitability habitats'.</i></p> <p>The habitats have been considered in the context of this Site as described in the Appendix 8.1 PEA [APP-150]. The results of the surveys were reinforced by the by the results of surveys from the Wind Farm, and other desk study records.</p> <p>Paragraph 2.5.4 of the Bat Survey Report (Appendix 8.3 [APP-152]) confirms that that six static bat detectors were distributed across the Site, as opposed to two, representing a more thorough survey approach than would be required based on BCT Guidance. As such the Applicant considers sufficient bat survey effort was undertaken, and additional surveys would not alter the baseline used to inform the assessment presented in ES Chapter 8 – Biodiversity [REP2-053]. The NE RR [RR-009] confirms no significant concerns with respect to the application's approach to bats.</p>
12.9.10	<p>Static Monitoring – Six detectors were placed out over four periods between May, July, August and September 2023. April, June and October months were not subject to monitoring and further detail is required to justify this approach.</p>	<p>The BCT Guidance (Collins 2016) states on Page 58:</p> <p><i>'If the habitat has been classified as having low suitability for bats, an ecologist should make a professional judgement on how to proceed based on all the evidence available. It may or may not be appropriate for bat activity surveys to be carried out in low suitability habitats'.</i></p> <p>The results of the surveys (PEA [APP-150] and bat surveys [APP-152] were reinforced by the by the results of the surveys from the Wind Farm, and other desk study records. As such the Applicant considers sufficient bat survey effort was undertaken, and additional surveys would not alter the baseline used to inform the assessment presented in the ES. The NE RR [RR-009] confirms no significant concerns with respect to the application's approach to bats.</p>
12.9.11	<p>Walked transects - were not undertaken and justification given in the ES Chapter (8.4.34) for this non-standard approach is that the site is upland, exposed and has a limited number of suitable roost sites. Walked transects can provide qualitative data such direction of bat travel and abundance, to help determine if detectors are picking up a</p>	<p>ES Chapter 8 – Biodiversity [REP2-053], paragraph 8.4.34 provides justification for absence of transect surveys, but note that static detectors were deposited at 6 locations. See also the response to 12.44 and 12.45 above.</p>

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	<i>single bat flying over a detector repeated times or a number of bats all passing once, for example. They can also highlight the presence of nearby significant roosts.</i>	
12.9.12	<p>[bats] Mitigation & Compensation -The Planning Inspectorate Scoping Opinion dated 14th September 2023 states that construction and operational lighting impacts on foraging and commuting bats as well as habitat loss must be assessed and measures taken to avoid disruption of ecological corridors. The OLEMP details an ecologically sensitive lighting strategy.</p> <p>A recent study by the University of Bristol (Tinsley et al, 2023) claimed to show a strong negative effect of solar farm developments on foraging and commuting bats. Six species showed six significantly lower activity levels in the presence of solar arrays (common pipistrelle, soprano pipistrelle, Plecotus, Myotis sp., Nyctalus sp. and serotine) and five of these species were recorded present on the application site. Recommendations are required to mitigate impacts for lost foraging and commuting habitats such as buffer zones and habitat enhancements of areas surrounding the solar farm footprint. This is to comply with Section 5.4 Biodiversity and Geological Conservation of the NSP EN-1 ...</p>	<p>Construction and Operational lighting have been considered in the Appendix 5.5 OCEMP [APP-108] (sections 4 and 5) for the construction phase and Appendix 7.7 OLEMP [APP-145] (Paragraph 3.11.19 to 3.11.23) for the operational phase with regard to bats.</p> <p>As set out in Section 8.5.3 of ES Chapter 8 [REP2-053], a range of embedded mitigation has been incorporated into the Proposed Development which will mitigate potential effects to bats, and provide long-term enhancements of benefit to bats, including:</p> <ul style="list-style-type: none"> • habitat enhancements to retained habitats, including hedgerows, watercourses and ponds with additional planting and/or improved management. Additional woodland creation, standard tree planting and the creation of species rich buffer strips within the grassland areas (see LSP (Figure 7.6.1-7.6.5) [REP2-046]) • - the design will incorporate appropriate buffers between infrastructure and sensitive habitats, such as watercourses, hedgerows and woodland,
12.9.13	<p>Birds - Wintering Birds and Hen Harrier - A review of Appendix 8.6 Wintering Bird and Hen Harrier Survey Report is below.</p> <p>Passage months were included in the winter surveys; this was reasoned well as the site is close to the Solway Firth SPA (cited in part for Barnacle Geese, which would be in passage September to October). Nine surveys were undertaken which was justified in the limitations section and is considered reasonable due to the large-scale project and potential impacts.</p>	Noted.
12.9.14	<p>[birds] Assessing Importance - Table 8.5 assesses conservation value of wintering birds to be of local value. As 1% of the Solway Firth population of Herring gull has been found to use the site, the</p>	An International level of importance would only be appropriate if it was confirmed as having a functional linkage to qualifying features of the Solway

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	<i>value of the site for wintering birds needs to be re-visited and is considered to be of international value (using a precautionary approach). Alternatively, robust justification for the current value assigned to this receptor must be provided.</i>	<p>Firth SPA. Note also, that the value of the Site has to account for the wider species assemblage recorded.</p> <p>Survey results included in the Appendix 8.6 Wintering Bird and Hen Harrier Survey report [APP-155] have been used to inform Appendix 8.7 sHRA [APP-156] and confirm this not to be the case.</p> <p>In their RR [RR-009] NE confirm they are satisfied that there are no issues from the Proposed Development that will result in adverse effects on the integrity of the Solway Firth SPA which informed the need for the wintering bird surveys. The NE dSOCG [D3.16] also affirms the application's approach to sHRA.</p>
12.9.15	Solway Firth SPA Qualifying Features - Section 8.4.46 in relation to herring gull, black-headed gull, common gull, lapwing and teal states: "further assessment of the presence of these species is provided in Appendix 8.7." Further relevant baseline information within the ES chapter should be included.	<p>Paragraph 8.4.46 of the ES Chapter 8 – Biodiversity [REP2-053] in full is:</p> <p><i>'Of the species recorded, herring gull, black-headed gull, common gull, lapwing and teal are a qualifying species of the Solway Firth SPA. A further assessment of the presence of these species is provided in Appendix 8.7. Details of the breeding bird surveys are provided in Appendix 8.6'.</i></p> <p>As Appendix 8.6 [APP-155] forms part of the ES Chapter, then the reader can access further baseline information by referring to the appropriate appendix.</p>
12.9.16	Hen Harrier - Section 4.6.7 of the PEA states that the wind turbine survey area is within a hen harrier sensitive location. After consultation with NE and the Cumbria Bird Club (CBC) wintering hen harrier physical surveys were undertaken. The hen harrier survey methods appear to be appropriate and any limitations and deviation from methodology is well reasoned.	In their RR [RR-009] NE agree to the application's approach to hen harrier and confirm that that no specific mitigation is needed for this species.
12.9.17	[birds] Validity – Table 2.2 of Appendix 8.6 shows that the last survey was completed on the 22nd March 2024. In accordance with CIEEM guidance (Advice on the lifespan of ecological reports & surveys, CIEEM 2019) this data is valid until 22nd September 2025.	This statement is incorrect. CIEEM Guidance ⁹ allows data to be valid in most cases between 12-18 months unless exceptions are noted. That no changes to land use have occurred then the data presented is valid and sufficient to inform the baseline and assessment presented in the ES.

⁹ Advice Note on the Lifespan of Ecological Reports and Surveys (2019) Chartered Institute of Ecology and Environmental Management (CIEEM).

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12.9.18	Breeding Birds Validity - Section 8.3.16 of the EcIA states that breeding bird surveys were completed in 2023, these surveys are no longer valid, the ES chapter must ensure valid survey data is provided to inform the impact assessment.	This statement is incorrect. See the response to 12.9.17.
12.9.19	[birds] Qualifications – No surveyor details are provided in the Breeding bird report. Further information on surveyor's experience or qualifications is required to demonstrate best practice.	All surveys were carried out by experienced and qualified ecologists (see response ref 12.8.3 and associated Appendix B).
12.9.20	[birds] Survey Approach - The times and dates of the breeding bird surveys are reported in Table 1 of Appendix 8.5 Breeding Bird Survey Report. The timing of the breeding bird surveys does not comply with the guidance referenced in the report (Survey methodology Bird Survey Guidelines). Justification is required this deviation from methodology and any associated limitations to the survey effort.	The Applicant is satisfied that the scope and methods employed for the breeding bird survey included as reported in the Appendix 8.5 Breeding Bird Survey Report [APP-154] have allowed for a robust assessment of impact on this group.
12.9.21	[birds] Mapping - The bird sightings were given two categories: non-breeding/possible or probable/confirmed. 'Probable' species were treated as confirmed precautionarily for the purposes of mapping, however separate maps of the 'confirmed' vs 'probable' are required in order to accurately assess. In addition, a master map of 'possible' territories which maps all sightings is required. Where the same 'possible' species were recorded in similar locations on multiple surveys these could be upgraded to 'probable' to avoid missing any breeding species (e.g. S41 species given in Appendix A, such as yellowhammer, wood warbler, curlew etc.).	Comment noted. The report and mapping carried out to inform the ES Chapter 8 – Biodiversity [REP2-053] has enabled an accurate assessment of the impacts to be made and no additional mapping is considered necessary.
12.9.22	[birds] CEMP - The chapter heading reads 'Wintering and Breeding Birds but the chapter only deals with breeding birds, the heading needs adjusting to 'Breeding Birds' only. For birds the CEMP needs to follow the mitigation hierarchy, with the first option within 5.4.19 being 'avoid vegetation clearance during the breeding bird season' and then carry on to ECoW should work need to be done within the breeding season. The rest of the paragraph is fine, although the NBC timing isn't as strict as it states, as they can be done anytime during the day but it's okay as written. Paragraph 5.4.20 should include details of repeat nesting bird checks should a nest be found; for	The OCEMP (Appendix 5.1) [APP-108] at paragraph 5.4.19, confirms no new breeding or wintering bird surveys will be carried out. The construction phase will include the breeding season so avoiding work in it is not a feasible approach. The approach to mitigation set out in the OCEMP at 5.4.19 to 5.4.21 is appropriate. In line with best practice, vegetation that is potential habitat will not be removed during the nesting bird season (March – August) without first being checked by the Ecological Clerk of Works (ECoW)

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	<i>example, the ECoW would need to come back after two weeks to check again to see if the nest is still active or not. It's a bit vague as it stands. The RAMS will also need to state this.</i>	and signed off as acceptable. It is not considered necessary in this outline document to set out every pathway to achieving sign-off that may be required, although it is expected that this sort of text in the OCEMP may be expanded on in the Species Protection Plan (SPP) / RAMS provided with the final CEMP.
12.9.23	Mitigation & Compensation – Barn Owls - Section 4.6.12 of the PEA states that nearby barns have potential to support nesting barn owl & that grasslands in the northern part of the site have the potential to support barn owl prey species. If significant disturbance of barns is likely, then pre-commencement checks for barn owl are required as part of the CEMP or other suitable mitigation such as timing the works to avoid the barn owl breeding season (March – August inclusive).	All appropriate surveys will be carried out in advance and as required as set out in Section 5.4 of the OCEMP (Appendix 5.1) [APP-108].
12.9.24	Great crested newt (GCN) Survey Area - Six ponds were identified within 250m of the site, however only four ponds received further surveys for GCN due to access constraints. The rationale to reduce the survey area from 500m to 250m was due to the upland nature of site and predominantly grazed habitat, however records did return GCN presence within 1.15km of the site. The highest elevation points of the site are 250m, however GCN have been known in upland areas up to 350m elevation ³ 3 Cumbria Biodiversity Data Centre - Great Crested Newt . Aerial imagery shows an additional six ponds within 500m with no major barriers in between the ponds and the application site. Further justification is required to reduce the survey area from 500m to 250m considering the suitability of terrestrial habitat on site.	<p>Paragraph 4.9.1 of the Appendix 8.1 Preliminary Ecological Appraisal and GCN Report [APP-150] confirms that a search area of 2km around the Site returned a <u>single</u> record from 1.15km away.</p> <p>The results of the GCN survey, which included eDNA assessments, egg searching, torching and bottle trapping, confirmed the absence of GCN on Site so there is no requirement to justify the reduced distance. Nevertheless, the OCEMP [APP-108] (paras 5.4.16 – 19) confirms that the final CEMP will include SPP/RAMS for amphibians, including GCN, and the ECoW will advise on any mitigation or license requirements if necessary.</p> <p>All ponds are being retained, with that in area D being enhanced as per the OLEMP [APP-145] at paragraph 2.1.3, section 3.2, and Appendix B.</p>
12.9.25	[GCN] Habitat Suitability Index - was completed in May 2023 and determined Pond 3 to have Excellent suitability for GCN, Pond 1 and 2 had Good suitability for GCN and Pond 4 had Average suitability for GCN.	See the response at 12.9.26.

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12.9.26	[GCN] Presence/ absence survey – one visit of Ponds 2, 3 and 4 was completed using egg searching, bottle trapping, and torching (April 2023) in accordance with Froglife (2001) guidance and found no evidence of GCN. Subsequent eDNA surveys returned negative results for Ponds 1-4. Environmental DNA survey is valid for 12 months. As surveys were undertaken in 2023 these surveys are no longer valid and update eDNA sampling is required.	<p>The Appendix 5.1 OCEMP [APP-108] sets out the details of pre-construction surveys in Section 5.4, with any works to ponds to be supervised by the ECoW as set out in Paragraph 5.4.18.</p> <p>Due to current land-use as a sheep farm, with no significant changes in habitats since 2023, the survey data was sufficient to inform the baseline and assessment presented in the ES. See also the response to 12.9.22.</p>
12.9.27	[GCN] Mitigation & Compensation – the OCEMP (5.4.16 & 5.4.18) details appropriate measures during construction relating to GCN including ECoW supervision of all works, especially works close to ponds on site and ECoW supervision of any early planting regimes which form part of the LEMP. The OLEMP details buffer planting and a reduction in grazing pressure on site to provide resources and shelter for a range of species, management of existing woodland, hedgerows, proposed broadleaf woodland and scrubland, and distribution of habitat / log piles to provide shelter for species and facilitate species dispersion.	No response required.
12.9.28	Otter and Water Vole There are records of otter and water vole close to site and suitable habitat for both species associated with the watercourses flowing through site. Two otter spraints (each on a different watercourse) were identified on the PEA in April 2023 and otter presence was confirmed following dedicated surveys in July and October 2023. No evidence of water voles was identified in 2023. In accordance with CIEEM guidance (Advice on the lifespan of ecological reports & surveys, CIEEM 2019) this survey data is no longer considered valid.	<p>The Appendix 5.1 OCEMP [APP-108] sets out the approach to pre-construction surveys in Section 5.4.</p> <p>CIEEM Guidance allows data to be valid in most cases between 12-18 months unless exceptions are noted. That no changes to land-use have occurred then the data presented is valid and sufficient to inform the baseline and assessment presented in the ES.</p>
12.9.29	[otter & water vole] Further survey - Although Section 5.4.13 of the OCEMP states an ECoW will carry out pre-commencement otter and water vole surveys; valid baseline survey data is required to inform the impact assessment prior to planning application in order to address consultee comments highlighted with Table 8.3 of the EcIA. Notes on all habitats surveyed are provided within Appendix 8.4: Otter and Vole Survey Report (Stantec, 2024), however no	<p>All surveys have followed appropriate guidance and been undertaken by suitably qualified ecologists (see ref 12.8.3).</p> <p>ES Chapter 8 [APP-038], Table 8.3 (Row 15) provides a response to the consultee and confirms pre-construction surveys will be carried out.</p>

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	<i>assessment of suitability for otter or water vole is provided. Update surveys must include detail regarding suitability for otter and water vole within each habitat type site based on appropriate guidance. Further surveys must be undertaken in accordance with the water vole mitigation handbook (Dean et al 2016) with one early season water vole survey and one late season survey. Any deviation from guidance relating to survey timing must be fully justified.</i>	In the NE RR, [RR-009] , Natural England welcome that a suitably qualified ecologist (or team of ecologists) will undertake further surveys pre-commencement across the Site to update the surveys carried out to date.
12.9.30	Badger Further Survey – Although no evidence of badger was noted on the 2023 surveys detailed within the PEA report, this data is now out of date (as also noted by the EA 26.4.24). Section 5.4.3 of the OCEMP states that an updated badger walkover will be provided no less than 6 months before the start of construction due to the high suitability for foraging, commuting and setting badger on site. It is considered that a dedicated badger survey is undertaken before determination due to the extent of adjacent woodland, which includes ancient woodland in order to inform the impact assessment.	The Appendix 5.1 OCEMP [APP-108] sets out the details of pre-construction surveys in Section 5.4. See also the response at 12.8.1/12.8.4 regarding Natural England's position on the Applicant's approach to pre-construction surveys.
12.9.31	[badger] Mitigation and Compensation – the OCEMP (5.6.2) details appropriate precautionary measures during construction relating to badgers including excavations left uncovered with a ramp; temporary fencing to deter badgers; and daily inspections by an ECoW. The OLEMP details gaps in the perimeter fencing to facilitate commuting and foraging badgers. Further mitigation and / or compensation will be determined by the badger survey.	Although badger have not been recorded on Site in previous surveys, it is acknowledged that they are highly mobile species. The OCEMP commits to updating surveys for badger and mitigation as required, including in SPP which are covered in paragraphs 5.4.6-8 of the OCEMP [APP-108] .
12.9.32	[badger] Enhancement – Ecological measures in Section 3.11 of the OLEMP include habitat enhancement measures such as supplementary planting of hedges and riparian corridors. The use of native fruit-bearing plants will enhance the habitat for badgers in line with Policy NSP EN-1 Biodiversity and Geological Conservation.	No response required
12.9.33	Hedgehog - No hedgehog presence on site was noted within the PEA report; however, the site has high suitability for hedgehog due to the presence of scrub and woodland on site. This species was scoped out due to the site comprising largely of grazed habitat and lack of cover. No impacts are anticipated to scrub or woodland during	Hedgehogs are considered absent from Site. However, the need for mitigation will be provided in SPP which are covered in Paragraphs 5.4.6 to 5.4.8 of the OCEMP [APP-108] .

Ref	Matter Raised	Applicant Response
	construction however a method statement detailing control measures is required to protect hedgehog.	
12.9.34	<p>Mitigation & Enhancement – The OLEMP details gaps in the perimeter fencing to allow entry for hedgehogs during construction and operational phases and the OCEMP states ECoW will supervise works close to ponds to minimise any potential impacts on hedgehogs during construction.</p> <p>Section 3.11.1 details creation of habitat / log piles in suitable areas across the Site which will enhance the area for hedgehogs. pressure on Dean Moor CWS. Table B.1 of the OLEMP details management practices to enhance the site for this species including enhancing retained habitats including grassland, hedgerows, woodland and scrub; and reducing grazing pressure on Dean Moor CWS.</p>	<p>There is no paragraph numbers provided to cross-reference these statements and some elements appear to be inaccurate:</p> <p>The OCEMP does not specifically name hedgehogs – only wildlife and mammals; the OLEMP does not cover construction; and supervision by the ECoW close to ponds is for GCN, not hedgehogs (Paragraph 5.4.16 of the OCEMP [APP-108]).</p> <p>Table B.1 of the OLEMP [APP-145] sets out key landscape and ecology considerations which will benefit a number of species.</p> <p>Nevertheless, it is accurate that the Proposed Development's perimeter fencing will include mammal haps to allow species to forage across the Site and the LEMP will provide details of locations for habitat/log piles. It is also the case that during construction suitable protections will be in place for small mammals generally (e.g. covering excavations or providing ramps overnight) and ECoW supervision will be in place for works with potential to affect sensitive habitats.</p>
12.9.35	Polecat The watercourses, pond edges, hedges and woodland habitat on site have suitability for Polecat, however these will not be directly impacted and therefore no significant impact to polecat is anticipated.	Noted.
12.9.36	Mitigation & Enhancement - The OCEMP states works close to ponds will be supervised by an ECoW and the OLEMP includes reasonable enhancement measures including habitat management and enhancement as well as the distribution of habitat / log piles to provide shelter.	Noted.
12.9.37	Dormice - The planning inspectorate EIA scoping opinion highlights the need for assessment of dormice in the Environmental Statement. Hedgerows and woodland within and adjacent to the site are suitable for dormice, however they were scoped out of the EclA due to the	Noted.

Ref	Matter Raised	Applicant Response
	<p>site being on the edge of this species range and the intervening habitat between site and woodland is unsuitable. As suitable dormice habitat will be retained no significant impacts are anticipated.</p> <p>... Mitigation & enhancement - Section 5.4.4 of the OCEMP states that SPP and RAMs are not considered necessary as more general requirements such as ECoW supervision of vegetation removal are included. The OLEMP includes reasonable enhancement measures including habitat management and enhancement of woodland, hedgerows and scrub.</p>	
12.9.38	<p>Reptiles The PEA states that only the coarser areas of grassland on site and woodland edges are suitable for common reptiles.... The suitable reptile habitat (pond edges, around turbines, marshy areas and woodland margins) is unlikely to be impacted and therefore due to the low scale of impact anticipated, a full suite of reptile surveys was not recommended.</p> <p>Mitigation & enhancement – Section 5.4.4 of the OCEMP recommends that the CEMP includes a Species Protection Plan for reptiles and a detailed RAMS, which is reasonable. Section 3.11.1 of the OLEMP details creation of habitat / log piles in suitable areas across the Site which will provide shelter and hibernacula for reptiles. Table B.1 of the OLEMP details management practices to enhance the site for this species including enhancing retained habitats including grassland, hedgerows, woodland and scrub; and reducing grazing pressure on Dean Moor CWS.</p>	Noted.
12.9.39	<p>Brown Hare & Red Squirrel The habitats suitable for brown hare and red squirrel (woodland) will not be directly impacted and therefore no significant impact to either species is anticipated.</p> <p>Mitigation & Enhancement – Section 5.4.4 of the OCEMP states that adequate protection can be provided for red squirrel by more general requirements including ECoW supervision of vegetation removal. When the CEMP is updated, appropriate avoidance measures must be set out in RAMS specifically for red squirrel such as pre-commencement drey checks. Reasonable enhancement measures including habitat management and enhancement as well as the</p>	Noted.

Ref	Matter Raised	Applicant Response
	<i>distribution of habitat / log piles to provide shelter is included in the OLPEMP.</i>	
12.11-12	Proposed Mitigation - Measures of mitigation should also be considered by Natural England.	NE have provided a response on protected species in their RR [RR-009] and dSOCG [D3.16] DCO Requirements 4 (CEMP) and 7 (LEMP) also secure NE consultation prior to submission to the Council to discharge these DCO Requirements.
12.13	<i>The relevant Policy S35 ALP1 it is noted that there is an approach to have embedded mitigation (ES Chapter 3 Site and Proposed Development). A summary of mitigation measures embedded within the Proposed Development is provided below:</i>	Noted.
12.14	<i>Having regard to the characteristics of the Site and the surrounding area, and accounting for the mitigation embedded it is assessed in the ES that within the Proposed Development, the construction, operation, and decommissioning of the Proposed Development has the potential to result in the following likely significant effects:....</i>	Noted.
12.15	<i>Embedded mitigation measures are incorporated into the design of the Proposed Development however further mitigation is required to avoid significant negative effects, ensure legal compliance, ensure best practice is delivered, and to contribute to environmental enhancements including delivery of BNG.</i>	Noted.
12.16	<i>During the construction of the Proposed Development, mitigation measures will be put in place within the Site boundary to protect habitats and species. A CEMP that is substantially in accordance with the OCEMP (ES Appendix 5.1) will be implemented to prevent likely significant effects to all environmental receptors on the Site, including habitats, species, and geology. The OSMP (ES Appendix 5.3) and OCEMP provide details on soil management; protection of features such as trees and hedgerows, and the establishment and protection of margins.</i>	Noted.
12.17	<i>There will be clear demarcation of Dean Moor CWS in Work No. 1 to ensure construction traffic and Site personnel do not access sensitive habitats on the Site. Where the Proposed Development involves</i>	Noted.

Ref	Matter Raised	Applicant Response
	<i>construction within Dean Moor CWS, then this will be overseen by the ECoW to ensure that the most sensitive habitats, including PMRP communities are not impacted The CEMP will also contain information on the location of the other CWS in close proximity,</i>	
12.18	<i>Habitats which are to be retained on-Site and subject to management to improve their condition as part of minimum BNG commitments (further information in the OLEMP at ES Appendix 7.7), ...</i>	Noted.
12.19	<i>Using existing access routes and removal of internal fence lines to access areas of the Site will be used preferentially to hedgerow removal. Where hedgerow removal is needed then the minimum width will be removed; sections in poor condition (and without trees) will be selected; hedges will be cut to their base as opposed to being dug out, and roots will be protected with sandbags or bog mats or equivalent.</i>	Noted.
12.20	<i>SuDS infrastructure will take account of the sensitive habitats, ... which are known to support migratory European eel and brown trout as well as otter. Further information on drainage is available from the FRA (ES Appendix 2.4).</i>	Noted.
12.21	<i>Prior to works commencing, pre-construction surveys for protected species will be carried out in accordance with the OCEMP (Appendix 5.1) to identify any change in Site use....</i>	Noted.
12.22	<i>The CEMP will advise on the appropriate location and structure, including vegetative screening, of gaps in the perimeter fence to promote uptake and use by protected and notable species. Construction, including any vegetation clearance requirements, will be managed to avoid impacts to protected species via species protection plans in accordance with the CEMP....</i>	Noted.
12.23	<i>Any lighting used on the Site during construction will be in accordance with the ecologically sensitive lighting strategy as set out in the OCEMP. This will reduce impacts on foraging and commuting bats.</i>	Noted.

Ref	Matter Raised	Applicant Response
12.24	<i>Soil stripping in compound locations will be supervised by the ECoW as necessary to advise on the retention of valuable habitats such as hedgerows; to ensure that adequate protection watercourses including the appropriate placement and erection of silt fences, and that bunds are correctly sealed and not close to watercourses. Further information is available from the OSMP (ES Appendix 5.3).</i>	Noted.
12.25	<i>Mitigation measures regarding the Dean Moor CWS will be undertaken in accordance with the CEMP so that displaced wildlife, in particular breeding and wintering birds, have alternative habitats on which to nest and forage.</i>	Noted.
12.26	<i>During the operation of the Proposed Development, mitigation measures will be put in place to improve habitats within the Site boundary. A LEMP that is substantially in accordance with the OLEMP (Appendix 7.7) will be adopted to implement....</i>	Noted.
12.27	<i>The LEMP will also ensure the delivery of minimum BNG commitments as set out therein. The OLEMP includes measures to reduce impacts associated with operation such as:</i>	Noted.
12.28	<i>The implementation of a GMP (as part of the LEMP) will set out how, for example, how stock will be controlled, what measures will be implemented to prevent overgrazing or poaching of watercourses, and measures to be taken should overgrazing or poaching of watercourses be identified. The GMP will benefit the Site through relaxation of grazing, facilitating the re-establishment of semi-natural habitats</i>	Noted.
12.29	<i>Details of planting and seed mixes to enhance hedgerow boundaries and riparian corridors. These will be representative of the local landscape. It will set out ground preparation requirements, including habitat creation, management, and monitoring for the duration of the operational phase. Details on how watercourses and ponds will be enhanced to promote and maintain fringe and open water habitats which will benefit riparian plant species, invertebrates, birds and aquatic species....</i>	Noted.

Ref	Matter Raised	Applicant Response
12.30	<i>The appointment of suitably qualified ecologists to undertake tasks including monitoring visits report on success or otherwise of planting and provide advice and on-Site presence for any ancillary work needed for the operational phase.</i>	Noted.
12.31	<i>A Biosecurity Management Plan to prevent the spread of INNS plant species. Measures will be taken to prevent INNS from becoming established on-Site.</i>	Noted.
12.32	<i>There are no additional mitigation measures which need to be implemented to reduce impacts to statutory designated areas during operation. The enhancements to riparian corridors within the Site will improve the quality of water which flows downstream and towards statutory designated areas. Species which make use of the watercourses on-Site, will benefit from these bank-side habitat enhancements.</i>	Noted.
12.33	<i>The implementation of a GMP will control livestock access across the Site. An aim of the GMP will be to enhance the area of Dean Moor CWS that falls within the Site through a reduction in grazing pressure. This will enable more natural upland habitats to re-establish, and support protected and notable species, including both breeding and wintering birds, and hen harrier.</i>	Noted.
12.34	<i>The LEMP will also ensure the appropriate maintenance of the Dean Moor CWS to ensure that natural upland habitats can re-establish following reduced grazing activity. This will be supplemented by a GMP to achieve a reduction in grazing pressure. This will enable more natural upland habitats to re establish.</i>	Noted.
12.35	<i>Any maintenance carried out which may affect sensitive habitats or species will be discussed with a suitably qualified ecologist who will be able to advise on the requirement of any survey or constraint which may be needed before works occur. Any operational phase works will consider the presence of protected species....</i>	Noted.

Ref	Matter Raised	Applicant Response
12.36	<i>Mitigation during decommissioning will be provided by the implementation of a Decommissioning Management Plan, which will be substantially in accordance with the FDMP (ES Appendix 5.4).</i>	Noted.
12.37	<i>The DMP will take into account potential effects to the River Derwent and Bassenthwaite Lake SAC and the River Derwent and Tributaries SSSI.</i>	Noted.
12.38	<i>The FDMP provides a framework of mitigation measures to avoid impacts on non-statutory designated sites.... The FDMP provides a framework of measures to avoid and minimise impacts to habitats on-Site during decommissioning. Mitigation measures identified, as appropriate, for species during construction are likely to be relevant during decommissioning and are provided via the FDMP.</i>	Noted.
12.39	<i>Provided all mitigation is included, the residual effects on statutory designated areas, in particular the River Derwent and Bassenthwaite Lake SAC and River Derwent and Tributaries SSSI, and the Solway Firth SPA will be not significant. Potential effects to European sites are presented in the sHRA (Appendix 8.7).</i>	Noted.
12.40	<i>Notwithstanding the implementation of the OCEMP (Appendix 5.1), there will be short-term negative effects on a small part of Dean Moor CWS, which is considered significant at the Local Level. Following procedural measures outlined in the OCEMP (ES Appendix 5.1) construction works will have no significant residual effects to the SRV.</i>	Noted.
12.41	<i>There are no significant residual effects to habitats during construction.</i>	Noted.
12.42	Species <i>Following the measures set out in Section 8.6, there will be no significant residual effects to species during construction.</i>	Noted.
12.43	<i>There will be no significant residual effects on statutory designated areas, in particular the River Derwent and Bassenthwaite Lake SAC and the River Derwent and Tributaries SSSI.</i>	Noted.

Ref	Matter Raised	Applicant Response
12.44	<i>The implementation of the Landscape and Ecology Plan ('LEP') (to be substantially in accordance with the Landscape Strategy Plan) in conjunction with the cessation or relaxation and management of grazing, as well as other enhancements and management measures set out in the OLEMP will benefit habitats across the Site. The Proposed Development will have a long-term, positive effect on habitats at the Site level. This effect will be not significant.</i>	Noted.
12.45	<i>The Council considers it crucial to ensure a suitable monitoring regime is in place for the lifetime of the development. The Council would expect such a monitoring fee to be secured either through the detailed provisions of the DCO itself or a legal agreement.</i>	<p>Mandatory BNG does not apply to NSIPs, The requirement for monitoring to be undertaken would be secured by the DCO (dDCO Requirements to produce a CEMP [APP-108], OMP [APP-107], LEMP [APP-145], and DMP [APP-111] to be substantially in accordance with the outline versions, which secure the monitoring measures included within those documents. The OLEMP, at section 6, secures the regular monitoring of habitats and planting within the Site throughout the operational phase, including where necessary repeat surveys. The LEMP will be updated every five years to assess the progress towards desired habitat conditions set out in the OLEMP.</p> <p>The Applicant would therefore have a legal obligation to undertake the monitoring for the duration of the Proposed Development (including construction, operational and decommissioning phases) and would not anticipate that it would be necessary to enter into a separate legal agreement with the Council to undertake this monitoring. The Applicant's financial standing, and ability to develop the Proposed Development and meet its commitments is described within the Funding Statement [APP-015], sections 3 and 4. The Applicant will make monitoring data available to the Council upon request, as well as sharing the outcomes of the repeat surveys and correctional management measures on submission of the LEMP every five years.</p>
12.46	Conclusion <i>The Applicant is requested to provide a detailed response to the issues and comments that have been raised by the Council's Ecology Consultant with regards to the sHRA, BNG and Protected Species.</i>	The Applicant has provided a detailed response to all relevant issues and comments raised by the Council's ecology consultant (Tetra Tech). Where beneficial these will be expanded on in the dSOCG with the Council which did not cover ecology as a topic area in the dSOCG submitted at D2 [REP2-012].

Ref	Matter Raised	Applicant Response
		<p>Since the LIR [REP2-058] there has been positive engagement between parties and all matters raised in relation to the sHRA, BNG, and Protected Species (including existing and future surveys and mitigation) have been agreed as per a follow up review by Tetra Tech (Appendix C of this document), with these outcomes also reflected in the updated Cumberland Council dSoCG [D3.14]</p>
12.47	<p><i>Subject to a satisfactory response to the outstanding issues it is considered that, with the implementation of appropriate mitigation measures, ecological benefits and biodiversity net gain arising from the development can be achieved through a Framework LEMP.</i></p>	<p>It is welcomed that the Council agree that ecological benefits and BNG can be achieved from the Proposed Development</p> <p>With regards to ES Chapter 8 - Biodiversity and its associated Appendices, the Applicant has consulted with statutory consultees and has dSOCG with NE [D3.16], CWT [REP2-013], and the EA [REP2-014], as well as having received NE RR [RR-009] and WR [REP2-060] relevant to biodiversity interests. A hierarchical approach to mitigation has been adopted through the design process which seeks to avoid adverse impacts in the first instance through an iterative approach to design, e.g., informing layout and access routes to avoid sensitive receptors where possible.</p> <p>Embedded mitigation measures are set out in sections 8.5.2-8.5.3 of ES Chapter 8 [REP2-053]. Further mitigation is set out in section 8.6.</p> <p>The OLEMP [APP-145] includes mitigation and enhancement, such as protective measures and the implementation of a GMP which will provide benefits through relaxation of grazing, facilitating the re-establishment of semi-natural habitats including those formerly present on the Dean Moor CWS, and associated benefits to flora, fauna, and water quality.</p> <p>The LEMP will be secured through DCO Requirement, and will be substantially in accordance with the OLEMP (and OGMP) and will be subject to consultation with relevant stakeholders prior to submission to discharge the Requirement.</p>

Table 2.10: Water Environment and Flood Risk (Section 13)

Ref	Matter Raised	Applicant Response
13.1	<p><i>The relevant Allerdale Local Plan Policy is ALP1 Policies:</i></p> <ul style="list-style-type: none"> • <i>Policy S29 Flood Risk and Surface Water Drainage</i> • <i>Policy S35 Protecting and Enhancing Biodiversity and Geodiversity</i> • <i>Policy S36 Air, Water and Soil Quality</i> 	<p>The Applicant has had regard for all policies relevant to flood risk and the water environment. These policies are listed in paragraph 4.7.21 of the PS [AS-10] and a full summary of compliance is included within the PCD [APP-027]. These policies have also been considered within the Flood Risk Assessment (FRA) & Outline Drainage Strategy (FRA & ODS) [REP2-022] and ES Chapter 8 – Biodiversity [REP2-053] as relevant.</p>
13.2	<p><i>Flooding occurs naturally but can also result from human interference with natural processes such as changes to river channels or their flood plains, increases in runoff from land, or blocked drainage systems. Flooding becomes a problem when it has an adverse impact on people, property, infrastructure or the environment.</i></p> <p><i>Policy S29 ALP1 sets out that developments should be avoided in locations that would be at risk of flooding or where it would increase the level of flooding elsewhere. Development within areas at the greatest risk of flooding, as identified within the Allerdale Strategic Flood Risk Assessment (SRFA) and/or Lead Local Flood Authority (LLFA) Local Flood Risk Management Strategy, will be strongly resisted. In order to minimise the risk to people, property and places from flooding, the Council will:</i></p> <p><i>a) Assess all proposed development sites through both the Site Allocations process and development proposals against the SFRA and/or LLFA Local Flood Risk Management Strategy and ensure that new development is fully compliant with the national policy and guidance.</i></p> <p><i>b) Ensure that developments identified in national policy as requiring a Flood Risk Assessment, should ensure that as a minimum, the scale and nature of the assessment should be appropriate with the development proposals and should be completed in accordance with national policy and guidance.</i></p>	<p>Compliance with Policy S29 is set out within Section 6.8 of the PS [AS-10] and Table 3.1, page 124 of the PCD [APP-027].</p> <p>The Site is located within flood zone 1 with 'low probability' of fluvial flooding and has mostly a 'very low' risk of surface water flooding, thereby meeting the requirements of the Sequential Test, and not requiring an Exception Test. The Site is located outside the fluvial floodplain and is not considered to be at risk when peak river flows incorporating climate change impacts are considered. The remaining sources of flood risk are considered to be low.</p> <p>The FRA & ODS [REP2-022] has considered the Council's (as LLFA) Local Flood Risk Management Strategy. As set out within paragraphs 5.2.4-5 of the FRA & ODS, the Council have confirmed there are no records of flooding at the Site, and that the Site is not identified as a flood risk hotspot within the Strategic Flood Risk Assessment (SFRA).</p> <p>It has been agreed with the LLFA via the dSoCG [D3.14] (CC.LLFA.1 & 2), that the FRA & ODS is a comprehensive document which deals with the flood risk on the Site and proposes the appropriate mitigation in accordance with local policy (CC.LLFA.4, 5, 6).</p>
13.3	<p><i>Policy S35 ALP1 Protecting and Enhancing Biodiversity and Geodiversity is relevant with regard to water quality supporting protected habitats. Also see Chapter 8 of the ES Biodiversity.</i></p>	<p>S35 applies to the Proposed Development. Impacts on water quality and biodiversity have been considered within ES Chapter 8 [REP2-</p>

Ref	Matter Raised	Applicant Response
		053], the Water Framework Directive (WFD) [APP-098] and ODS [REP2-022].
13.4	<p><i>Policy S36 ALP1 Air, Water and Soil Quality, sets out that the quality of air and water resources within the Plan Area will be protected and opportunities for enhancement will be pursued. Unless adequate mitigation measures can be secured, development proposals will be resisted that would have a demonstrable direct and/or indirect adverse impact on;</i></p> <p><i>a) Air quality and/or atmospheric conditions;</i></p> <p><i>b) The characteristics of surrounding soils and substrata - through either physical (compaction, erosion) or chemical (pollution, contamination);</i></p> <p><i>c) The chemical composition and quality of waterbodies in the Plan Area;</i></p> <p><i>d) The Water Framework Directive and the status of the watercourse. Whilst having regard for the economic and other benefits of the best and most versatile land, where development is considered necessary, the Council will seek to ensure the use of poorer quality land in preference to that of a higher quality.</i></p>	<p>Compliance with Policy S36 is set out within section 6.8 of the PS [AS-10] in relation to water quality, and 6.11 in relation to air quality. Conservation of soil resource, minimising adverse effects on soil health, and managing grazing to improve soil quality, is set out in PS section 6.4. Compliance with this policy is also set out in Table 3.1, page 127 of the PCD [APP-027].</p> <p>Section 6.4 of the PS further summarises the conclusions of the ALC report with regard to the quality of the agricultural land. This is set out in relation to the site selection in Section 6.3 and the DAD [APP-029].</p>
13.5	<p><i>The Scoping response from the Planning Inspectorate scoped in Water quality impacts on water resources from siltation of runoff and pollution events; and Water quality impacts on designated sites, however scoped out Flood Risk and surface water run-off from soil compaction.</i></p>	<p>Table 2.7 of ES Chapter 2 – EIA Methodology [APP-033] provides the justification for scoping out a standalone chapter in response to the Scoping Opinion.</p>
13.6	<p><i>The Cumberland Local Lead Flood Authority (LHA) have reviewed the Environmental Statement: Appendix 2.4 – Flood Risk Assessment and Outline Drainage Strategy (ODS) (in 3 parts) and previously had extensive discussions and meetings with the applicant to establish the requirements and provisions to include in the submission. It is considered the FRA & ODS is a very comprehensive document and includes all the necessary measures and procedures as previously discussed and agreed. It is considered that surface water management the development will not increase flood risk to the site nor downstream. The pollution and sediment / silt management aspects are also covered off to provide the necessary treatment which is especially important during the construction phase. It is noted that a final Drainage Strategy is proposed to be submitted as a DCO Requirement.</i></p>	<p>The Applicant has had positive engagement with the LLFA on the assessment of flood risk and the Outline ODS [REP2-022], which is reflected in the Cumberland Council dSoCG [D3.14] (CC.LLFA.1, 2, 4, 5, 6).</p> <p>The LLFA's agreement on the surface water management measures and the suitability of the pollution and silt management measures, which are secured through the OCEMP [APP-108] and OSMP [APP-110] (CC.LLFA.10 of the dSoCG) .</p> <p>A final Drainage Strategy in accordance with the ODS is secured by DCO Requirement 8.</p>

Ref	Matter Raised	Applicant Response
13.7	<i>The Outline Construction Environmental Management Plan (OCEMP) includes the necessary measures for protecting the Site from flooding, controlling the risk of pollution, and the ingress of material such as soil, silt, oil, and chemicals. Preparation of the final Construction Environmental Management Plan (CEMP) shall be secured by a DCO Requirement and shall be submitted for approval by the Council.</i>	It is noted that the LLFA agree with the outline flood risk and pollution prevention / materials handling measures set out within the OCEMP [APP-108], which is secured by DCO Requirement 4. Agreement on this matter is reflected in the Cumberland Council dSoCG [D3.14] (CC.LLFA.10).
13.8	<i>The Cumberland Local Lead Flood authority set out that the Outline Construction Environmental Management Plan (OCEMP) includes the measures and procedures discussed and agreed in pre-app discussions.</i>	Agreement on this matter is reflected in the Cumberland Council dSoCG [D3.14] (CC.LLFA.10).
13.9	<i>The OCEMP includes the necessary measures for protecting the Site from flooding, controlling the risk of pollution, and the ingress of material such as soil, silt, oil, and chemicals.</i>	Agreement on this matter is reflected in the Cumberland Council dSoCG [D3.14] (CC.LLFA.10).
13.10	<i>Preparation of the final Construction Environmental Management Plan (CEMP) shall be secured by a DCO Requirement and shall be submitted for approval by the Council. The construction of any part of the Proposed Development must be carried out in accordance with the approved CEMP for that part.</i>	The OCEMP [APP-108] is secured by DCO Requirement and will be submitted to the Council for approval prior to commencement. Agreement on this matter is reflected in the Cumberland Council dSoCG [D3.14] Engagement with the LLFA regarding watercourse consents, monitoring flood risk, and agreeing method statements for temporary work is set out within Section 12.3 of the OCEMP.
13.11	<i>The proposal to use the EA's opensource Flood Risk data and mapping to design and suitable surface water strategy is accepted.</i>	Agreement on this matter is reflected in the Cumberland Council dSoCG [D3.14].
13.12	<i>The LLFA is satisfied with the proposed 8m minimum exclusion areas from the top of the bank of watercourses/waterbodies in accordance with LLFA and EA recommendations, along with additional Site management mechanisms to protect watercourses. It is accepted that the design parameters secured by the Works Plans, in conjunction with management plans such as the OCEMP, and the LLFA secondary consenting procedures will ensure effective protection of the water environment.</i>	Agreement on this matter is reflected in the Cumberland Council dSoCG [D3.14] (CC.LLFA.3).
13.13	<i>The LLFA is satisfied that the provisions of the ODS and subsequent DS (to be submitted for approval by the LLFA) will provide the necessary features and</i>	Agreement on this matter is reflected in the Cumberland Council dSoCG [D3.14] (CC.LLFA.4, 5, 6).

Ref	Matter Raised	Applicant Response
	<i>controls to manage flood risk. The various management plans are considered a suitable way to monitor and manage flood risk conditions.</i>	
13.14	<i>Targeted SuDS features, as proposed within the FRA and ODS, are appropriate and account for future climate change. It is recognised that the final DS will be need to be subject to LLFA consultation and approved by the Council.</i>	Agreement on this matter is reflected in the Cumberland Council dSoCG [D3.14] (CC.LLFA.4, 5).
13.15	<i>The LLFA agrees with the applicant's understanding of the shared position. The LLFA's OWC procedure will ensure the impact from watercourse crossings are minimised and that the works will comply with a suitable method statement.</i>	Agreement on this matter is reflected in the Cumberland Council dSoCG [D3.14] (CC.LLFA.7).
13.16	<i>It is anticipated there can be positive effects on watercourses as habitats and on water quality, due to the 8m buffer being applied, new / improved green infrastructure, the reduction of intensive grazing, annual monitoring of planting and BNG, and ongoing management. There is in principle agreement that this can be achieved via the foundation provided by the LSP and the OLEMP (as assessed in the BNG Report) subject to the content of the final versions of these to be provided as a DCO Requirement. It is anticipated to be agreed that the OLEMP secures the management and monitoring of the planting and grazing on-site. This approach has been proposed to be sensitive to the potential impacts on water quality, to prevent overgrazing, and to protect the buffer strips adjacent to watercourses.</i>	Agreement on this matter is reflected in the Cumberland Council dSoCG [D3.14] (CC.LLFA.8).
13.17	<i>It is agreed that the methodology of the WFD Assessment is appropriate and that the WFD will be reviewed and updated once the detailed design of the Proposed Development is confirmed.</i>	Agreement on this matter is reflected in the Cumberland Council dSoCG [D3.14] CC.LLFA.9).

Table 2.11: Transport and Access (Section 14)

Ref	Matter Raised	Applicant Response
14.1	<i>ALP1 Policy S22: Transport Principles, is the relevant policy and specifies that new development will be required to improve accessibility and movement in the local area reflecting the Local Transport Plan; ensure they can be accessed safely and that they do not compromise the safety of any transport route, including railway lines and level crossings; make provision for</i>	<p>Compliance with Policy S22 is set out within Section 6.9 of the PS [AS-10] and table 3.1, page 122 of the PCD [APP-027].</p> <p>It is noted from the final row of this table (ref 14.5(9)) that the Council agree that the Proposed Development complies with Policy S22.</p>

Ref	Matter Raised	Applicant Response
	<i>pedestrians and cyclists to be given the highest priority within town centres and new development, and facilitate links with public transport nodes and hubs; where necessary be accompanied by Transport Assessments/Travel Plans in accordance with local and national guidance; protect and, where appropriate, enhance or create new designated public rights of way; be required to protect, enhance and capitalise upon sustainable transport links offered by green infrastructure corridors wherever possible; and be required to provide adequate levels of car parking, cycle facilities, and where appropriate incorporate charging points for electric and hybrid vehicles.</i>	Compliance with Policy S22 in relation to access and the proposed permissive paths is included at CC.LPA.2 of the dSoCG [D3.14].
14.2	<i>Traffic, Access, Noise and Vibration – Scoped out of the ES but the Local Highway Authority (LHA) are satisfied that the necessary data, detail of the temporary and permanent proposals and mitigation measures can be covered off in a TA and CTMP as proposed and recommended as Requirements in the DCO.</i>	Agreement on this matter is reflected in the dSoCG [D3.14] CTMP is secured by DCO Requirement 5 to be in accordance with the OCTMP [REP2-025]. In referring to the 'TA', the Applicant assumes this is in reference to the Transport Statement (TS) [APP-102].
14.3	<i>The LHA are satisfied that interests of the road users and the LRN itself are protected and mitigated by the implementation of suitable CTMP and CWTP. These can be implemented by Requirements in the DCO.</i>	Agreement on this matter is reflected in the Cumberland Council dSoCG [D3.14] (CC.LHA.2, 5, 6, 9).
14.4	<i>Further details of the permanent accesses for the operational phase are required. This requirement can be secured by way of Requirement and is embedded in the CTMP and OMP.</i>	Agreement on this matter is reflected in the Cumberland Council dSoCG [D3.14] (CC.LHA.3, 7).
14.5	<i>The LHA agrees with the applicant's understanding of shared position statement. The routing proposals set out in the OCTMP (and future CTMP) have been agreed in principle. The final proposals are subject to further consultation with the LHA.</i>	Agreement on this matter is reflected in the Cumberland Council dSoCG [D3.14] (CC.LHA.5).
14.6	<i>It is agreed that a pre-construction Road Construction Survey is appropriate, as recommended by the LHA, and that this is secured by the OCTMP, but will be agreed with the LHA to inform the final CTMP.</i>	Agreement on this matter is reflected in the Cumberland Council dSoCG [D3.14] (CC.LHA.6).
14.7	<i>The development and submission of the CTMP and OMP will give the LHA a suitable opportunity to review the final proposals. The LHA agrees with the applicant's understanding of shared position statement. The OCTMP has provisions to include the cumulative impact of other nearby developments</i>	Agreement on this matter in relation is reflected in the Cumberland Council dSoCG [D3.14] (CC.LHA.10). Cumulative effects with other development is considered within section 6.6 of the TS [APP-102] and provision is made

Ref	Matter Raised	Applicant Response
	<i>(including Lostrigg Solar). The CTMP will therefore reflect the wider and cumulative impact.</i>	within the OCTMP [APP-109] (paragraphs 6.4.1-2) for engagement with relevant cumulative schemes in construction.
14.4 (8)	<i>The final CWTP will be provided as part of the final CTMP and as such will be subject to the same prior consultation with the LHA to inform the content ahead of submission to the Council for approval as a DCO Requirement.</i>	Agreement on this matter in relation to is reflected in the Cumberland Council dSoCG [D3.14] (CC.LHA.11).
14.5 (9)	<i>It is considered that matters relating to transport during construction, operation and decommissioning can be suitable controlled by DCO Requirements so as to accord with Policy S22 ALP1</i>	This is noted. The dSoCG reflects the Council's position in relation to policy where necessary [D3.14]. The Applicant appreciates the Council's affirmation of the application's approach to transport matters in relation to relevant Council policies, as reflected in the dSoCG [REP2-012].

Table 2.12: Socio Economics (Section 15)

Ref	Matter Raised	Applicant Response
15.1	<p><i>The relevant Allerdale Local Plan (Part 1) policies are:</i></p> <ul style="list-style-type: none"> • Policy S2 Sustainable Development Principles • Policy S3 Spatial Strategy and Growth • Policy S5 Development principles • Policy S6 Area Based • Policy S12 Land and Premises • Policy S13 Energy Coast innovation Zone • Policy S14 Rural Economy • Policy S15 Education and Skills • Policy S19 Renewable Energy and Low Carbon Capture • Policy S20 Nationally Significant infrastructure Projects 	<p>The Applicant agrees with the Council's confirmation of the relevance of S2, S14, S19, and S20 from LPP1. Compliance with these is set out in the PS [AS-10] section 6.12 in relation to sustainable development and socio-economics and section 6.4 in terms of agricultural land use and the rural economy. They are also considered in the ES Appendix 2.8 PEIR Socio Economics Chapter [APP-104] (Socio-Economics Appendix) (section 10.2).</p> <p>Please refer the Applicant's response to ref 7.1 of this document in relation to Policy S3.</p> <p>Policy S5 seems to be targeted towards residential development and is not considered to apply directly to the Proposed Development for the reasons set out within Section 6.3 of the PS, which explains why a rural Site is required for the Proposed Development, and why no brownfield land was available.</p> <p>The Proposed Development is considered to comply with Policy S6. It is expected that 6c Cockermouth may apply to the Proposed Development. However, given the nature of the</p>

Ref	Matter Raised	Applicant Response
		<p>Proposed Development, not all of the area-specific policies are considered to be relevant, and the remaining are addressed within the responses to general policies.</p> <p>Policy S12 is not considered to be relevant to the Proposed Development as the Site is not located within an area allocated for employment use.</p> <p>The Applicant recognises and supports Policy S13 which aims to maximise economic opportunities by supporting the Energy Coast Innovation Zone. It is considered that part of the policy would be relevant to the Proposed Development: <i>'Supporting development that contributes towards improving education, training and skills'</i>. A response in relation to education, skills, and training is provided below at 15.4, which also relates to S15.</p>
15.2	<p>Key Local Issues 15.2 ALP1 Para. 40 addresses that <i>Allerdale area is largely dominated by manufacturing and construction, the public sector and the retail and service sector (including hotel, leisure and tourism sectors). In the rural north, agriculture is still an important sector for employment and the economy ALP1 Para 41 sets out that 'Reducing unemployment and worklessness and diversification of the rural economy are seen as key economic challenges'. The socio-economic assessment considers the effects arising from employment generation, impacts on local services and facilities, comprising local accommodation services and Gross Value Added (GVA).</i></p>	<p>The Council's agreement of the receptors and consideration of effects in the application's Socio-Economics Appendix [APP-104] is noted, if 'neutral' is taken to be the equivalent of 'negligible' which is the terminology used in EIA, as set out within ES Chapter 2.</p>
15.3	<p><i>Although any construction jobs created will be temporary, they are still acknowledged to represent a positive economic effect for a period of time.</i></p>	<p>The Socio-Economics Appendix (2.7) [APP-104] identifies an overall negligible significant effect on job creation during the construction period. Additional jobs will be created by the Proposed Development during construction with at least 150 FTE jobs supported directly during construction related to land preparation, installation, and grid connection. However, the worst-case scenario is to assume that the labour will not be sourced from within the Wider Study Area. As stated in paragraph 10.5.8 of Appendix 2.7</p> <p><i>'Whilst endeavours will be made to ensure that a proportion of these jobs will be available to residents of the Wider Study Area, until a contractor is appointed the exact number of local jobs that will be supported cannot be guaranteed.'</i></p>

Ref	Matter Raised	Applicant Response
		Minor beneficial residual effects were concluded for workforce expenditure, through construction workers spending on food, accommodation, fuel, and potentially leisure.
15.4	<i>Whilst the Council accepts that the proposed development would not contribute significantly to the wider economic aspirations for the Borough, which have been outlined above, it would be an important opportunity to utilise an existing local workforce. The Council suggests that the strategy could be more ambitious in respect of the number of people employed during construction. Furthermore, there is a strong local supply chain, labour force and education and training facilities within Cumberland that could support delivery of the project, and this could be maximised through the detail provided through Requirements. The Council would welcome further discussion with the Applicant on this matter and the consideration of an Employment and Skills Plan.</i>	As set out within this response, the response to ExAQs (see Table 8.1, ref 7.0.1 [REP2-010]), and the Applicant Response to the Council's Response to ExAQ1 [D3.3], the Applicant has engaged with the Council, relevant parish councils, and other stakeholders to understand local issues and opportunities, in accordance with EN-1 paragraph 5.13.3. However, a scheme/plan which promotes local employment and skills is not proposed. This is because the Applicant cannot commit to providing a particular proportion of workers who would be local to the Site, as the number of workers who may be employed locally will depend on the availability of people with a particular set of skills, and for those to be available for a short-term period (likely 18 months). The Applicant will, however, continue to remain open to engaging with the Council on opportunities to promote local employment through the procurement process.
15.5	<i>Overall, in the Council's view, the local impacts associated with construction employment in the construction and decommissioning phases would be neutral (albeit there would be a positive local impact during those phases which is recognised and supported, subject to the detail contained within Requirements (skills, supply chain and employment)).</i>	The Council's agreement with the conclusions of the Socio-Economics Appendix (2.7) [APP-104] in relation to job creation during the construction phase is noted.
15.6	<i>It is not possible to accurately quantify the level of construction workforce spending from direct employee expenditure over the construction phase. Whilst local businesses that are accessible to the construction site may experience greater benefits from employee spending, the spending impact on the local economy would be indirect, temporary and negligible/minor beneficial. In the Council's view the local impacts associated with construction workforce spending would be neutral.</i>	The Council's disagreement over the level of residual effect as reported within the Socio-Economics Appendix (2.7) [APP-104] is noted. While the judgement over the level of effect may differ, the Applicant notes that both effects would be non-significant in EIA terms.

Table 2.13: Human Health and Amenity (Section 16)

Ref	Matter Raised	Applicant Response
16.1	<i>Although scoped out of the ES it is accepted that lighting can be secured through the CEMP for construction and the LEMP/OMP for operations.</i>	The Council's agreement on the OCEMP [APP-108] and OOMP [APP-107] / OLEMP [APP-145] securing the appropriate controls for lighting is noted, and is reflected within the Cumberland Council dSoCG [D3.14] (CC.EHO.5).
16.2	<i>It is accepted that Glint and Glare has been considered with regard to sensitive receptors including dwellings, road networks, PRow and aviation. The final planting and landscaping scheme can also address mitigation for glint and glare in order to negate any adverse impacts.</i>	<p>The Council's agreement on the methodology of the assessment and proposed mitigation of glint and glare effects is noted and is reflected within the Cumberland Council dSoCG [D3.14] (CC.LPA6).</p> <p>The Applicant can also advise that although the Glint and Glare Assessment [APP-147 – APP-148] represents a worse case based on PEIR parameters, the Applicant noted that several figures within the assessment did not reflect changes (reductions) to Work No 1 – Solar PV Infrastructure and therefore an updated Glint and Glare Assessment [D3.9-10] has been provided to make these administrative corrections which do not alter any assessment outcomes.</p>
16.3	<i>It is agreed by the Councils Environmental Protection Team that the construction OCTMP and OCEMP will provide measures to suitably address noise effects and provide suitable mitigation subject to the Council's review of the final CTMP and CEMP to be provided as Requirements to the Council's approval. It is noted that the Noise and Vibration Impact Assessment (NIA) and the DCO Requirement for an updated assessment will be based on final layout and design specifications for the PCS Units across Works No.1. This will ensure sensitive siting of equipment in relation to Noise Sensitive receptors (NSR) due to mitigation of Works Plans. Noise effects from maintenance activities can be suitable controlled by the CEMP.</i>	The Council's agreement on the noise mitigation measures secured by the OCEMP and OCTMP is noted, and is reflected within the Cumberland Council dSoCG [D3.14] (CC.EHO.6, 14).
16.4	<i>It is anticipated by the Council that the proposed Development will not cause significant amounts of waste during construction or decommissioning. The appropriate control of waste for these phases have been outlined in the relevant management plans and can be secured by DCO Requirements.</i>	The Council's agreement on the assessment and mitigation of waste during the construction and decommissioning phases is reflected within the Cumberland Council dSoCG [D3.14] (CC.EHO.7).
16.5	<i>The relevant control documents the OCEMP, OOMP, FDMP could provide appropriate mitigation for the potential effects to air quality during the construction</i>	The Council's agreement on the mitigation of potential air quality effects during the construction and decommissioning phases, secured

Ref	Matter Raised	Applicant Response
	<i>and decommissioning phases. The OOMP provides appropriate mitigation for the potential effects for air quality during the operational phase.</i>	through the OCEMP and FDMP is reflected within the Cumberland Council dSoCG [D3.14] (CC.EHO.9, 10).
16.6	<i>It is agreed that the approach of securing ground investigation post-consent is appropriate to characterise the historic mine entries within the site and a strategy for remediation and mitigation to be agreed with the Council and the Minerals Waste Authority.</i>	The Council's agreement on the approach to ground investigation, secured by the OCEMP [APP-108], prior to commencement is reflected within the Cumberland Council dSoCG [D3.14] (CC.EHO.11).
16.7	<i>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.</i>	The Council's agreement on the approach to soil resource management, secured by the OCEMP [APP-108], OSMF [APP-110], and OLEMP [APP-145] for the construction and operational periods, is reflected within the Cumberland Council dSoCG [D3.14] (CC.EHO.12, CC.EHO.13).

Table 2.14: Draft Development Consent Order (Section 17)

Ref	Matter Raised	Applicant Response
17.1	<i>The Council has reviewed the Draft DCO [APP-] and has commented via a topic-by-topic basis above. At the time of writing, discussions between the parties on the detailed wording of the draft DCO are continuing.</i>	Noted. This matter has since been included in the updated Cumberland Council dSoCG [D3.14] (CC.LPA.10). The Applicant has and will continue to welcome any specific comments on the dDCO from the Council.

Table 2.15: Conclusions (Section 18)

Ref	Matter Raised	Applicant Response
18.1	<i>This LIR has considered the potential impacts of the Dean Solar Farm NSIP at the local level in respect of the Cumberland Council (Allerdale) administrative area, within which the whole development will be located. It</i>	The Applicant has reviewed the LIR [REP2-058] and indicated where matters have been agreed with the Council through the SoCG process [D3.14] and this document has provided a response to the new matters

Ref	Matter Raised	Applicant Response
	<i>has considered positive, negative and neutral impacts, within the context of its knowledge and understanding of the area.</i>	arising from the Council through the LIR in relation to ecology, and employment.
18.2	<i>While it is noted that the delivery of renewable energy of this nature is in accordance with key strategic policies of the Allerdale Local Plan, offering in principle support for such development, this is subject to detailed considerations regarding the impacts of the proposed development.</i>	The Council's agreement that the principle of the Proposed Development accords with the key strategic policies of the Allerdale Local Plan is welcomed. The Applicant has provided responses to the detailed considerations regarding the impacts of the Proposed Development throughout his document.
18.3	<i>The ExA will need to be satisfied that any residual impacts arising from the proposed development can be outweighed by the public benefits brought about by the proposed development. Of the matters that fall within the Council's jurisdiction positive local impacts have been identified in terms of contribution to the production of renewable energy in the Cumberland Council area. Ecological benefits and biodiversity net gain arising from the development are also achievable subject to a satisfactory resolution to the outstanding issues and ongoing engagement between the Council and Applicant on the detailed content of the Framework LEMP.</i>	The Council's confirmation of the positive effects of the Proposed Development is welcomed. The Applicant's response to the matters related to the assessment of biodiversity raised in Table 2.9 of this document have been discussed with the Council and the dSoCG [D3.14] has been updated accordingly.

Appendix A Cumulative Assessment Note



Dean Moor Solar Farm

Cumulative Assessment Note

September 2025

**DEAN MOOR SOLAR FARM
CUMULATIVE ASSESSMENT NOTE
PLANNING INSPECTORATE REFERENCE EN010155
PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED**

**The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009, Regulation 5(2)(a)**

Project Ref:	EN010155/D3/Cumulative Assessment Note
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1 Introduction

1.1 Overview

- 1.1.1 This document has been produced for FVS Dean Moor Limited (the ‘Applicant’) to support the DCO application for the Dean Moor Solar Farm (‘the Proposed Development’) on approximately 279.50ha of land 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 considers the Proposed Development’s likely significant cumulative effects when considered against the additional 31 cumulative schemes requested for consideration by the Council in email correspondence on 11 and 14 August 2025, in the context of the cumulative schemes already assessed as outlined in 6.1 Environmental Statement (‘ES’) Cumulative Effects and Residual Effects Summary [[APP-042](#)] for likely significant cumulative environmental effects with the Proposed Development.
- 1.1.3 Table 1.1 below details these additional cumulative schemes. The locations of these schemes, as well as the cumulative schemes assessed as part of the ES set out in 6.1 ES Chapter 11 - Cumulative Effects and Residual Effects Summary [[APP-042](#)] are shown on D3.17 ES Figure 2.1 Cumulative Schemes within 10km of the Order Limits [formerly [APP-044](#)].
- 1.1.4 Overall, taking into consideration the additional 31 cumulative schemes there is no change to the cumulative assessment as outlined in the ES and there are no likely significant cumulative effects resulting from the Proposed Development and these schemes.

Table 1.1 Additional Cumulative Schemes provided by Cumberland Council

Reference	Description	Status	Approximate Distance and Direction from the Site
VAR/2020/0503 <i>Siddick Wind Farm, Siddock, Workington</i>	Variation to approved application 2/1995/0342, condition 6 to increase the period to "not exceeding 35 years" wind turbines.	Approved (08.08.22)	7.4km northwest
VAR/2020/0504 <i>Oldside Wind Farm, Oldside, Workington</i>	Variation to approved application 2/1995/0916, condition 6 to increase the operational life of 9 wind turbines from 25 years to 35 years.	Approved (07.02.22)	6.5km northwest
FUL/2023/0047 <i>New Balance Athletic Shoes (uk) Ltd, Flimby, Maryport</i>	Erection of 1MW wind turbine (75m tip height)	Allowed Appeal (26.07.24)	7.8km northwest
FUL/2025/0080 <i>Ewanrigg Farmhouse, Ewanrigg Lonning, Ewanrigg, Maryport</i>	Proposed solar farm and associated development	Pending	9.3km north
FUL/2025/0040 <i>M-Sport Ltd, Dovenby Hall, Dovenby, Cockermouth</i>	Proposed siting of 15 luxury lodges for short stay overnight accommodation for conferences, corporate events and hospitality events at Dovenby Hall Estate (change of use of land to provide overnight accommodation)	Pending	9.7km northeast
FUL/2024/0192 <i>Land South of Low Road, Cockermouth</i>	Erection of 47 Residential dwellings	Pending	8.5km northeast
FUL/2024/0187 <i>Hall Park View, Workington</i>	Widening of the existing A596 Hall Brow carriageway to the East into Hall Park including the demolishing and re-building a section of the boundary wall at Workington Hall Park.	Approved (29.11.24)	5km northwest
FUL/2024/0188 <i>Hall Park, Workington</i>	The construction of a shared pedestrian/cycle route and entrance public realm improvement works at Hall Park.	Approved (28.11.24)	4.6km northwest
FUL/2024/0107 <i>Violet Bank Holiday Park, Simonscales Lane, Cockermouth</i>	Change of Use of land to form holiday park extension to install up to 35 caravans with associated landscaping, drainage and infrastructure.	Approved (23.07.25)	9.1km northeast
OUT/2023/0019 <i>Port of Workington, Bulk Liquid Terminal 2, North Side, Workington</i>	Outline planning application with access and development of a sodium treatment facility (Sui Generis).	Approved (29.04.25)	6.2km northwest
OUT/2023/0018 <i>Parcel of land adjacent to Solway Road, Workington</i>	Outline planning application with access for proposed commercial/ light industrial estate.	Approved (23.07.25)	5.2km northwest
FUL/2023/0191	Erection of a 4-storey innovation centre office and workshop building. Hard and soft landscaping	Approved (21.08.24)	5km northwest

Reference	Description	Status	Approximate Distance and Direction from the Site
<i>Central Car Park, Workington</i>	around the proposed building with a new access road in line with Roper Street.		
RMA/2023/0007 <i>Land east of Causeway Road, Seaton, Workington</i>	Reserved matters for approved application 2/2018/0493 for the erection of 94 dwellings and associated works.	Approved (08.07.24)	5.7km northwest
FUL/2023/0121 <i>Land to north east of St Andrews Road, Stainburn, Workington</i>	16 residential dwellings.	Pending	4.1km northwest
FUL/2023/0088 <i>Former Fire Headquarters, Station Road, Cockermouth</i>	Change of use from site of former fire station to private housing development.	Pending	9.3km northeast
RMA/2020/0011 <i>Land at St Helens Business Park, Siddick Road, Workington</i>	Reserved matters for mixed use development park consisting of A1-A5, B1, C1 and Sui Generis uses following outline approval ref. 2/2016/0188.	Pending	6.3km northwest
4/25/2110/0F1 <i>Land at Parkside Road, Cleator Moor</i>	Erection of 95 dwellings with associated infrastructure.	Pending	7km southwest
4/18/2287/0O1 <i>Land at Harras Moor, Whitehaven</i>	Outline application for development of up to 370 houses with associated open space and infrastructure.	Appeal Allowed (18.08.23)	6.4km southwest
4/24/2035/0B1 <i>Harras Dyke Farm, Harras Dyke, Whitehaven</i>	Variation of condition 2 to alter house types, remove parking courts and change the housing mix of approved application ref. 4/21/2195/0r1 approval of reserved matters for access, appearance, landscaping, layout and scale for 85 dwellings following outline approval 4/16/2415/0o1.	Approved (28.03.24)	6.2km southwest
4/20/2472/0R1 <i>Phase 3, Edgehill Park, Whitehaven</i>	Reserved matters application (access, appearance, landscaping, layout and scale) for erection of 335 dwellings including associated infrastructure pursuant to outline planning approval 4/13/2235/0o1.	Approved (27.04.21)	9.2km southwest
4/24/2085/0B1 <i>Land to the west of Valley View Road, Whitehaven</i>	Full planning application for 107 dwelling houses and associated infrastructure including landscaping, open space, access, highway and drainage – variation of drainage scheme, detached garage design and landscaping scheme approved under application ref. 4/22/2332/0f1.	Approved (06.06.24)	9.2km southwest
4/25/2181/0B1 <i>Phase 3, Edgehill Park, Whitehaven</i>	Variation of condition 2 (plans) for revised house types and layout of planning approval 4/20/2474/0r1 - reserved matters application (access, appearance, landscaping, layout and	Pending	9.2km southwest

Reference	Description	Status	Approximate Distance and Direction from the Site
	scale) for erection of 335 dwellings including associated infrastructure.		
4/21/2432/0F1 <i>Former Marchon Chemical Factory, High Road, Whitehaven</i>	Hybrid application seeking full planning permission for the erection of 139 residential dwellings (c3), new vehicular accesses off high road, public open space and ancillary infrastructure and outline planning permission for residential development units, retail (e(a,b,c,e,f), f2(a) and ancillary infrastructure with all matters reserved other than access.	Pending	9.2km southwest
4/22/2110/0B1 <i>Former Romar Factory, Ivy Mill, Main Street, Hensingham, Whitehaven</i>	Variation of condition 2 (revised house types) of planning approval 4/20/2334/0r1 - reserved matters application for 26 dwellings and associated infrastructure following outline approval 4/17/2143/0o1.	Approved (21.06.22)	7km southwest
4/23/2009/0F1 <i>Land to the east of Jacktrees Road, Cleator Moor</i>	Residential development consisting of 64 dwellings	Pending	7.8km southwest
4/21/2335/0B1 <i>Keekle Meadows, Cleator Moor</i>	Amendment of condition 5 (modifications to access junction) of planning approval 4/18/2472/0o1 - outline application for residential development of 65 dwellings including full details of access and associated infrastructure.	Approved (01.10.21)	6.5km southwest
4/21/2327/0R1 <i>Land to the north of School Brow, Moresby Parks, Whitehaven</i>	Reserved matters approval for the erection of 20 detached dwellings including associated infrastructure (access, appearance, landscaping, layout and scale) pursuant to outline approval 4/16/2175/0o1.	Approved (02.11.22)	4.8km southwest
4/23/2162/0R1 <i>Bonny Meadows, Moresby Parks, Whitehaven</i>	Application for approval of reserved matters relating to access, appearance, landscaping, layout and scale pursuant to outline planning approval 4/16/2175/0o1 for plots 2, 3, 9, 10, 11, 12, 13, 17, 18 and 19.	Approved (23.01.24)	4.9km southwest
4/25/2241/0F1 <i>Woodland Nurseries, Stamford Hill, Lowca</i>	Erection of new glasshouse for plant production facility as an extension to existing nursery, with associated drainage and landscaping.	Pending	4.7km southwest
4/24/2302/0F1 <i>Wind Turbine, Stubsgill Farm, Distington to Parton, Distington</i>	Removal of existing wind turbine and erection of a replacement turbine up to 76 metres blade tip height, with associated development.	Approved (25.06.23)	1.5km west
4/20/2472/0F1 <i>Land to north of Cleator Mills, Cleator</i>	Residential development for 115 dwellings.	Pending	8.3km southwest

1.2 Structure of this Document

- 1.2.1 Section 2 of this document considers the Proposed Development's likely significant cumulative effects considered against the additional cumulative schemes set out in Table 1.1 above for each environmental discipline, including those scoped out of the ES, for completeness.

2 Consideration of Additional Cumulative Schemes

2.1 Landscape and Visual

- 2.1.1 When considering the additional cumulative schemes from a landscape and visual perspective, the methodology and study area (2.5km) set out in D3.17 Appendix 7.4 Cumulative Assessment [formerly [APP-122](#)] has been utilised to ensure continuity between assessments.
- 2.1.2 Except for one of the additional identified cumulative schemes (identified below), significant landscape and visual cumulative effects are not predicted, due to no intervisibility with the Proposed Development as outlined on 6.2 Figure 7.4a Zone of Theoretical Visibility DTM [[APP-083](#)] and/or the overall distance of the cumulative schemes from the Proposed Development.
- 2.1.3 6.2 Figure 7.4a Zone of Theoretical Visibility DTM [[APP-083](#)] indicates that there is potential intervisibility in relation to the Proposed Development and the Land east of Causeway Road, Seaton, Workington scheme (ref. RMA/2023/0007). The intervening landform and vegetation would result in very limited visibility on the ground from this scheme. In addition, the overall distance from the Proposed Development is also a contributing factor. Therefore, no significant cumulative landscape and visual effects are predicted.
- 2.1.4 In conclusion, there is no change to the landscape and visual cumulative assessment as outlined in D2.24 Environmental Statement: Chapter 7 – Landscape and Visual Impact [[REP2-032](#)] taking into consideration the additional cumulative schemes set out in Table 1.1 of this document.

2.2 Cultural Heritage

- 2.2.1 Due to the distance of each of the additional cumulative schemes from the Proposed Development, significant cumulative effects on cultural heritage are not anticipated.

- 2.2.2 Therefore, it is concluded that there would be no change to the cultural heritage cumulative assessment as outlined in D2.21 Environmental Statement: Chapter 6 – Cultural Heritage [[REP2-027](#)] taking into consideration the additional cumulative schemes set out in Table 1.1 of this document.

2.3 Biodiversity

- 2.3.1 Due to the distance of each of the additional cumulative schemes from the Proposed Development and the nature of the cumulative schemes, significant cumulative significant effects on biodiversity are not anticipated.
- 2.3.2 Therefore, it is concluded that there would be no change to the biodiversity cumulative assessment as outlined in D2.30 Environmental Statement: Chapter 8 – Biodiversity [[REP2-053](#)] and 6.3 ES Appendix 8.7 - Shadow Habitats Regulation Assessment [[APP-156](#)].

2.4 Water Environment

- 2.4.1 For new development to be compliant with national and local planning policy in relation to flood risk and surface water drainage, it is incumbent on any development to demonstrate that it will be safe and will not increase flood risk to third parties, for example, to any land beyond its site boundary.
- 2.4.2 This is addressed through embedded site-specific measures such as floodplain compensation (to balance floodplain capacity), and through surface water management (including on-site attenuation measures and flow controls) to demonstrate nil detriment in terms of surface water flow rates off a site. These measures are subject to approval by the relevant statutory authorities as part of the planning process and the relevant Lead Local Flood Authority ('LLFA').
- 2.4.3 As such, on the basis that the additional cumulative schemes would be required to meet this criterion (along with the Proposed Development) and taking into consideration the distance of each of the additional cumulative schemes from the Proposed Development, there will be no cumulative

effect from the impact of the additional cumulative schemes in relation to the water environment.

2.5 Ground Conditions

2.5.1 Due to the distance of each of the additional cumulative schemes from the Proposed Development, significant cumulative effects in relation to ground conditions (land stability and release of contamination to air) are not anticipated.

2.5.2 Therefore, there would be no change to the ground conditions cumulative assessment as outlined in 6.1 ES Chapter 10 – Ground Conditions [[APP-041](#)] taking into consideration the additional cumulative schemes set out in Table 1.1 of this document.

2.6 Climate Change

2.6.1 The receptor for the Greenhouse Gas (GHG) Assessment is the global climate. All projects worldwide have the potential to contribute to cumulative impacts on the global climate through their GHG emissions.

2.6.2 Cumulative effects are therefore not geographically constrained to developments in the local area. 6.1 ES Chapter 9 – Climate Change [[APP-040](#)] concluded beneficial effects due to the Proposed Development contributing to the decarbonisation of the national energy sector, and this would not change as result of the additional cumulative schemes.

2.6.3 The assessment of climate resilience and vulnerability relates to the components of the Proposed Development itself and is not influenced by other cumulative development.

2.6.4 Therefore, there would be no change to the climate change cumulative assessment as outlined in 6.1 ES Chapter 9 - Climate Change [[APP-040](#)] taking into consideration the additional cumulative schemes set out in Table 1.1 of this document.

2.7 Transport

- 2.7.1 The cumulative assessment requirements in relation to transport have been discussed and agreed through consultation with Council Highways officers and separately with National Highways.
- 2.7.2 During these discussions, it was agreed that the proposed Lostrigg Solar development was to be included in the cumulative assessment. This is due to its proximity to the Proposed Development and potential overlap in construction programmes and subsequently the potential use of the same local and strategic road network links, namely Branthwaite Road and the A595. Only the construction phase was considered necessary for cumulative assessment due to the operational phase being agreed as *de minimus* in transport terms. No other developments were identified as necessary for inclusion within the cumulative assessment.
- 2.7.3 The cumulative assessment outlined in section 6.6 of the 6.3 ES Appendix 2.5 - Transport Statement [[APP-102](#)] has been agreed with Council Highways Officers and National Highways, as outlined in their respective draft Statements of Common Ground [[REP2-012](#)] and [[REP2-019](#)].
- 2.7.4 The Council (as Local Highway Authority) and National Highways agreed through the scoping process that transport would be scoped out of the Environmental Statement. On this basis it is considered that the cumulative assessment in relation to transport has been sufficiently discussed and agreed and does not require further assessment.
- 2.7.5 Therefore, it is concluded that there would be no change to the transport cumulative assessment as outlined in 6.1 ES Chapter 11 – Cumulative Effects and Residual Effects Summary [[APP-042](#)] which stated at paragraph 11.3.18 that the Proposed Development's cumulative impact was not anticipated to be significant.

2.8 Noise and Vibration

- 2.8.1 Due to the distance of each of the additional cumulative schemes from the Proposed Development, significant cumulative effects in relation to noise

and vibration are not anticipated taking into consideration the additional cumulative schemes set out in Table 1.1 of this document.

2.9 Socio-Economics

- 2.9.1 As set out at paragraph 2.9.4 of 6.1 ES Chapter 2 – EIA Methodology [[APP-033](#)], socio-economics was included at the PEIR stage of the EIA and scoped out of the ES, as no significant effects were identified that related directly to socio-economics.
- 2.9.2 The additional schemes set out in Table 1.1 of this document would support construction employment and associated economic benefits (such as Gross Value Added ('GVA') and workforce expenditure) but the cumulative effects of this will be dependent on the construction phases of each scheme.
- 2.9.3 The assessment in 6.3 Appendix 2.7 - PEIR Chapter 10 Socio-Economics [[APP-104](#)] applied a worst-case approach, assuming that construction phases of the Proposed Development and cumulative schemes would not overlap and therefore the same/comparable construction workforce could work on each scheme.
- 2.9.4 On this basis, when applied to the additional cumulative schemes set out in Table 1.1 of this document, the conclusions set out in 6.3 Appendix 2.7 - PEIR Chapter 10 Socio-Economics [[APP-104](#)] remain unchanged.

2.10 Agricultural Land

- 2.10.1 As set out in paragraph 2.9.3 and Table 2.7 of 6.1 ES Chapter 2 – EIA Methodology, agricultural land was scoped out of the ES, as no significant effects were identified that related directly to agricultural land.
- 2.10.2 The additional cumulative schemes have the potential to have impacts on agricultural land, through the loss of Best and Most Versatile ('BMV') agricultural land. However, where relevant, these schemes would be required to implement best practice measures, such as the mitigation measures set out in soil management plans attached to their planning

consents to ensure that significant effects on agricultural land and soils would be mitigated.

- 2.10.3 Therefore, the additional schemes set out in Table 1.1 of this document are not anticipated to result in significant effects on agricultural land and soils in cumulation with the Proposed Development.

2.11 Glint and Glare

- 2.11.1 A cumulative impact is considered possible for glint and glare assessment when a shared receptor exists in the study area for two developments simultaneously.
- 2.11.2 Therefore, given that the study area for the Proposed Development is 1km (as set out in D3.9 and D3.10 ES Appendix 7.9 - Glint and Glare Assessment [formerly [APP-147](#) and [APP-148](#)] and the distance of each of the additional cumulative schemes from the Proposed Development is greater than 1km, cumulative impacts resulting from the additional schemes set out in Table 1.1 of this document and the Proposed Development in relation to glint and glare is not anticipated.

Appendix A ES Figure 2.1 Cumulative Schemes within 10km of the Order Limits

Appendix B Table of Surveyors' Experience

Surveyor	Surveys carried out	CIEEM Grade	Affiliations (CEnv / IEMA etc)	Degree (BSc, MSc, PhD)	Degree Subject	Years in industry	Licenses held	Other relevant info
1	NVC	MCIEEM	N/A	PhD MSc by Research: BSc	The Changing Dung Fauna of Great Britain'; Manchester Metropolitan University, (2004); Environmental Monitoring (Distinction); Manchester Metropolitan University, (2000); Conservation Biology (First Class Honours); Bolton University (1999	25	GCN, White-clawed crayfish, Water Vole, FISC Level 4, River condition assessment	Post Experience Certificate in Biological Recording and Species Identification (2002)
2	Bat	ACIEEM	N/A	MSc, BSc (Hons),	Ecological Consultancy University of Newcastle upon Tyne, 2015; Ecology & Environmental Biology, Newcastle University, 2014	7	Bat, Nature Scot Roost	N/A

Surveyor	Surveys carried out	CIEEM Grade	Affiliations (CEnv / IEMA etc)	Degree (BSc, MSc, PhD)	Degree Subject	Years in industry	Licenses held	Other relevant info
3	Bat	N/A	N/A	MSc BA	Conservation & Ecosystems Management; Anthropology	1	N/A	N/A
4	Bat	N/A	N/A	N/A	N/A	10	Bat license Class 2	City and Guilds Tree climbing Level 2, City and Guilds Aerial Rescue Level 3
5	GCN	ACIEEM	N/A	MSc, BSc (Hons),	Ecological Consultancy University of Newcastle upon Tyne, 2015; Ecology & Environmental Biology, Newcastle University, 2014	9	Bat, Nature Scot Roost	N/A
6	Otter & Water Vole	N/A	N/A	BSc. (Hons)	Rural Resources Management University of Plymouth	27	Bat Class 2, GCN	N/A
7	Otter & Water Vole	ACIEEM	N/A	MPhil	Environmental Eng (Jan 2000)	19	Schedule 1 Licence - Barn Owls, Marsh Harriers and Peregrine; British Trust for Ornithology ringing license	N/A

Surveyor	Surveys carried out	CIEEM Grade	Affiliations (CEnv / IEMA etc)	Degree (BSc, MSc, PhD)	Degree Subject	Years in industry	Licenses held	Other relevant info
8	Otter & Water Vole	N/A	N/A	MSc BA	Conservation & Ecosystems Management Anthropology	1	N/A	N/A
9	PEA	ACIEEM	N/A	MSc, BSc (Hons),	Ecological Consultancy University of Newcastle upon Tyne, 2015; Ecology & Environmental Biology, Newcastle University, 2014	7	Bat (Class 2), Nature Scot Roost	N/A
10	PEA	ACIEEM	N/A	MSc, BSc (Hons),	Ecological Consultancy, University of Newcastle upon Tyne, 2014 Zoology, St Andrews University, 2012	9	Bat Class 2, GCN, FISC Level 4	N/A
11	BBS	ACIEEM	N/A	MSc, BSc (Hons),	Ecological Consultancy University of Newcastle upon Tyne, 2015; Ecology & Environmental Biology, Newcastle University, 2014	7	Bat (Class 2), Nature Scot Roost	N/A
12	BBS	N/A	N/A	HND	Grassland Management, Coastal Zone Management	38	BTO Licenced Ringing	N/A

Surveyor	Surveys carried out	CIEEM Grade	Affiliations (CEnv / IEMA etc)	Degree (BSc, MSc, PhD)	Degree Subject	Years in industry	Licenses held	Other relevant info
					and its Ecological Basis Land Use & Recreation			
13	BBS	N/A	N/A	MPhil	Environmental Eng (Jan 2000)	19	Schedule 1 Licence - Barn Owls, Marsh Harriers and Peregrine; British Trust for Ornithology ringing license	N/A
14	BBS	N/A	N/A	BSc (Hons)	Rural Resources Management, University of Plymouth	27	Bat Class 2, GCN	N/A
15	BBS	MCIEEM	N/A	BSc (Hons), MSc	Biology and Computing, University of Liverpool (1989) Aquatic Resource Management, King's College London (1992)	28	Bat (Class 2; Earned Recognition Licenced Consultant), GCN	N/A
16	BBS	N/A	N/A	MPhil	Environmental Eng (Jan 2000)	19	Schedule 1 Licence - Barn Owls, Marsh Harriers and Peregrine; British Trust for Ornithology ringing license	N/A

Appendix C Local Impact Report / Shadow Habitat Regulation Assessment Response from Tetrattech

Our Ref: 784-B072252

Your Ref: DCO/2025/0001

FAO: [REDACTED]

[REDACTED]@Cumberland.gov.uk

15 September 2025

Dear Kerry,

784-B072252 DEAN MOOR SOLAR FARM, CUMBRIA DCO/2025/0001

The project is located at the land between the villages of Gilgarran and Branthwaite in West Cumbria. The Proposed Development comprises the proposed construction, operation and maintenance, and decommissioning of a renewable energy generating project on 279.5 ha of land between the villages of Gilgarran and Branthwaite in West Cumbria. The planning application reference is DCO/2025/0001.

The applicant initially provided the following ecological documents:

- Stantec UK Ltd. – Dean Moor, Solar Farm: Preliminary Ecological Appraisal (PEA) and Great Crested Newt (GCN) Report (March 2025);
- Stantec UK Ltd. – Dean Moor, Solar Farm: Bat Survey Report (March 2025);
- Stantec UK Ltd. – Dean Moor, Solar Farm: Environmental statement Chapter 8 biodiversity (March 2025);
- Stantec UK Ltd. – Dean Moor, Solar Farm: Environmental statement: Appendix 5.1 – Outline Construction Environmental Management Plan (March 2025);
- Stantec UK Ltd. – Dean Moor, Solar Farm: Environmental statement: Appendix 7.7 – Outline Landscape and Ecology Management Plan (March 2025);
- Stantec UK Ltd. Dean Moor, Solar Farm: Environmental Statement: Appendix 8.2 – National Vegetation Classification (NVC) Survey Report (March 2025);

Tetra Tech Limited. Registered in England number: 01959704

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Registered Office: 3 Sovereign Square, Sovereign Street, Leeds, United Kingdom, LS1 4ER

- Stantec UK Ltd. Dean Moor, Solar Farm: Environmental Statement: Appendix 8.5 – Breeding Bird Survey Report (March 2025);
- Stantec UK Ltd. Dean Moor, Solar Farm: Environmental Statement: Appendix 8.6 – Wintering Bird and Hen Harrier Survey Report (March 2025);
- Stantec UK Ltd. Dean Moor, Solar Farm: Environmental Statement: Appendix 8.7- Shadow Habitats Regulations Assessment (March 2025); and
- Stantec UK Ltd. – Dean Moor, Solar Farm: Environmental statement: Appendix 8.8 - Biodiversity Net Gain (BNG) Report (March 2025).

Each of the above reports and supporting documents was reviewed and detailed feedback was provided in the Cumberland Council Local Impact Report (LIR). The further detail and clarifications that were requested are detailed in Table 1.

The following documents were provided on 05/09/2025:

- EN010155-000032 Natural England’s Relevant Representations in Respect of Dean Moor Solar Farm (Redacted); and
- EN10155-000208 Cumberland Council Draft Statement of Common Ground; and
- EN10155-000214 Natural England Draft Statement of Common Ground.

These were reviewed ahead of a consultation meeting that was held on 10/09/2025 with the client representatives, Stantec, Cumberland Planning Officer and Tetra Tech Ecologists.

Following the meeting, additional documents and emails were provided on 10/09/2025 which addressed all of the points raised in the LIR, including:

- Dean Moor Applicant Response to council’s LIR (biodiversity extract);
- Dean Moor Table of Experience 1-2; and
- EN10155-000209-D2.9 Cumbria Wildlife Trust Draft Statement of Common Ground.

The additional documentation has been reviewed against the LIR points and final comments are added to the column in Table 1 below for ease.

Table 1. Conclusion

Document	Element		Action(s) required	Comment following the review of additional information
sHRA	12.8 Zone of Influence		Potential effects beyond 10km should be considered: <ul style="list-style-type: none"> - The sHRA should include Morecambe Bay and Duddon Estuary SPA as potential functionally linked land for Herring gull. - The ZoI should include designated sites indirectly connected downstream of the site. 	It's noted in the NE dSoCG agreement with the overall scope of the sHRA and the Habitat Sites taken forward to AA. The applicant response provides robust justification for the zone of influence, demonstrating that potential effects beyond 10km have been considered. It was concluded that the flocks recorded on the site were not functionally linked to Morecambe Bay and Duddon Estuary SPA, due to the significant distance (23km) between sites; the behaviour; frequency and distribution of the flocks as well as abundance of alternative habitat. Therefore, it is agreed the 10km zone of influence is appropriate.
	Potential threats and pressures (Table 3.3)	12.9 Various	More evidence is needed to screen out the LSE on Lake District High Fells SAC and North Pennine Dales Meadows SAC, including distance from the site and potential hydrological connections for the following potential threats and pressures: <ul style="list-style-type: none"> - INNS, - Pollution of groundwater - Siltation - Changes to species distribution 	Applicant response clarifies that there is no hydrological link between the site and Lake District High Fells SAC or North Pennine Dales Meadows SAC as all waterbodies on the site flow north to the River Derwent, therefore it is agreed there is no scope for pollution of groundwater, siltation or changes to species distribution. No impact pathway is agreed for INNS due to the significant distance between the sites (over 8km) and the proposals (solar farm).
		12.10 Pollution to groundwater	Needs rewritten to clearly state whether LSE are expected on the River Derwent and Bassenthwaite SAC and River Ehen SAC.	It is understood that NE are in agreement with the overall scope of the sHRA and that the Solway Firth SPA and River Derwent and Lake

Document	Element	Action(s) required	Comment following the review of additional information
	12.11 Human induced changes in hydraulic conditions	Clarification is required regarding why there will be no direct change and which Habitat Sites this assessment applies to.	Bassenthwaite SAC have been taken forward to Appropriate Assessment.
	12.13 Changes in species distribution	<ul style="list-style-type: none"> - Further detail is required on how the construction phase of the project could affect distribution of qualifying features (fish species and otter are named) of the River Derwent and Bassenthwaite Lake SAC, with detail on their presence and distribution on site. - Impacts on habitat sites downstream (outside of the 10km ZOI), should be considered. 	<p>Further detail provided by the applicant and Appendix C of the Screening Matrix demonstrates how pollution arising from construction phase of the project can affect species distributions. It is agreed, as noted in the NE dSoCG, that overall conclusions are sound and that relevant control 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.</p> <p>The applicant's response demonstrates that due consideration has been given for impacts on habitat sites outside of 10km when determining the zone of influence (see 12.8). This has been agreed in the NE dSoCG.</p>
	12.14 Water pollution	Pollution to surface waters should be considered in relation to River Derwent & Bassenthwaite Lake SAC.	<p>The applicant response clarifies that surface water pollution is not a threat for the River Derwent & Bassenthwaite Lake SAC. Marine water pollution has been considered and ruled out due to considerable distances to dilute any pollution events (16.05km).</p> <p>It is understood that NE are in agreement with the overall scope of the sHRA and that the Solway Firth SPA and River Derwent and Lake Bassenthwaite SAC have been taken forward to Appropriate Assessment.</p>
	12.15 Marine water pollution	The potential for LSE to impact on the Solway Firth SPA via the River Derwent Catchment should be considered.	
	12.16 -17 Various	<p>Clarity is needed on why the following pathways/likely impacts don't apply to this project:</p> <ul style="list-style-type: none"> - Problematic native species - Modification of cultivation practices, Mowing / cutting of grassland, Fertilisation. 	The applicant response has clarified the justification to rule out these threats, due to considerable distance between the application site and Habitat Site as well as the nature of the proposed works as a solar farm. Modification of cultivation practices, Mowing / cutting of grassland, Fertilisation is a threat associated with North Pennine and Dales Meadows SAC, and this Habitat Site has been screened out of the assessment.

Document	Element	Action(s) required	Comment following the review of additional information
	12.18 Screening assessment overview	This should be reviewed and amended after other changes have been made.	The applicant response and NE dSoCG provided are considered sufficient justification to address the points raised.
	12.19 Summary HRA screening Matrix for River Derwent & Bassenthwaite Lake SAC (Table 4.2)	<p>Further clarity is needed on the following:</p> <ul style="list-style-type: none"> - There is no pathway shown for the first rows of this table and it is not clear how the differences between construction and operational phase have been assessed. - The matrix assesses the project in-combination but further detail is required on what projects or plans have been scoped in. - Regarding ALSE of the project alone and in-combination with other plans and projects. 	Further detail provided by the applicant and Appendix C of the Screening Matrix is considered robust and sufficient clarification.
	12.20 Data inconsistencies	Data inconsistencies in relation to bird data are identified should be corrected throughout the report.	The applicant response provides justification on the assessment of importance for wintering bird assemblages.
	12.25 Wintering bird data	The applicant should consider validity of wintering bird data prior to submitting this application to the secretary of state and ensure that the sHRA assessment reflects the most up to date data set.	The applicant response provides robust justification on the assessment of importance for wintering bird assemblages. Survey effort for wintering birds and Hen Harrier is considered appropriate and sufficient to determine the level of importance assigned.
	Section 8.5.10	The significance of effects on all internationally designated sites is required for all sites scoped into this assessment.	Further detail provided by the applicant and Paragraphs 8.5.30 and 8.5.32 of Chapter 8 are considered sufficient justification for the significance levels assigned.
	Temporary effects due to construction works	Needs significance level assigned that is consistent with the conservation value as per CIEEM guidelines. Significant effects upon an ecological receptor of local value would result in a significant effect at the local level.	It is understood that NE are in agreement with the overall scope of the sHRA and that the Solway Firth SPA and River Derwent and Lake Bassenthwaite SAC have been taken forward to Appropriate Assessment.

Document	Element	Action(s) required	Comment following the review of additional information
12.26 BNG	EclA, Section 8.3.13	Justification should be given for why older guidance was used for the habitat assessment.	Best practice guidance must be used for the updated habitat assessment as part of the PEA update, as detailed in the CEMP. The final CEMP will be subject to consultation with NE prior to submission to the LPA for approval and secured by DCO Requirement .
	Qualifications	Surveyors experience/qualifications should be provided to evidence that the UK Hab assessment, BNG condition assessments and BNG reporting/metric was completed by a competent person.	Surveyor details provided, with two surveyors FISC Level 4 and one surveyor accredited to carry out river condition assessments - satisfied surveyors are sufficiently competent.
	12.29 Quadrat data	Quadrat and woodland plot data should be supplied to support the BNG condition assessments.	Quadrat and woodland plot data is to be included when the BNG is updated, as part of the LEMP, which will be secured by DCO Requirement .
	12.30 Inconsistencies in habitat mapping between BNG and NVC reports	Any inconsistencies in mapping should be rectified, with new maps provided as required. The habitats as reported in the BNG should correspond with habitats in the NVC report, or appropriate justification should be given.	The applicant response provides appropriate justification for these inconsistencies. Habitat mapping for the BNG update should correspond with the NVC report or appropriate justification provided.
	12.31 BNG metric	The front cover of the metric needs completed.	It is agreed that the points raised are updated, as appropriate, in the final BNG metric as part of the LEMP, which will be secured by DCO Requirement. Any habitat classifications based on interpretation of data and professional judgement, should be supported with justification/explanation.
	Justification for broad habitat type changes, Section 4.1.13	Justification is required for the ecological benefits of felling an area of existing mixed woodland to replace with mixed scrub and acid grassland.	
	12.32 Evidence to support habitat classification	Lowland fen recorded should either be re-classified to an alternative habitat type or further evidence provided to support this classification.	
	12.33 Hedgerow labelling	Hedgerows should be labelled in the metric and Table 3.1 to allow for cross-referencing with condition assessment sheets.	

Document	Element	Action(s) required	Comment following the review of additional information
	12.34 Trees	Trees in the baseline should be included in the Metric calculation.	The response clarifies that individual trees were not included as no trees will be felled. It is acceptable that an updated tree survey will be included in the CEMP which will highlight any changes affecting the BNG.
	12.35 Strategic significance	Any areas that fall within the boundary of Dean Moor CWS should have a strategic significance of 'formally identified in local strategy'. Areas that are adjacent or connected to the CWS should have a strategic significance of 'location ecologically desirable but not in local strategy'.	The applicant response clarifies that the habitat condition has changed since it was designated as CWS as its currently intensively grazed grassland. It is agreed that the identification of strategic importance, if applicable, is included in the final BNG metric as part of the LEMP, which will be secured by DCO Requirement.
NVC	12.38 NVC survey results plan	Figure 1 must be revisited, and the area labels reviewed. The photos and habitat descriptions should be updated to correspond with the mapped area labels.	The applicant response provides clarification for the mapping points that were raised and this is considered acceptable.
		Map the full extents of each assessed NVC community.	
	12.39 Survey methodology	An explanation should be included in Section 2.1 as to why and how survey areas 1, 2 and 3 were selected, and as such why were notable habitats such as lowland fen, acid grassland and species-rich neutral grassland were omitted from the assessment.	Sufficient justification has been provided for the selection of survey areas (hydrological dependant and therefore sensitive to impacts). If the NVC survey is repeated as part of the LEMP, the selection of areas for survey should be reassessed using the updated PEA information. Any notable/priority habitats should be surveyed or appropriate justification given.
	12.40 Inconsistencies between BNG and NVC reports	The habitats as reported in the BNG should correspond with habitats in the NVC report, or appropriate justification should be given.	The applicant response provides appropriate justification for these inconsistencies. Any habitat classifications based on interpretation of data and professional judgement, should be supported with justification/explanation. Conversions between classification systems should be clearly presented with references stated.
	12.41 Discussion	A discussion section should be added to provide details of the ecological value of the identified habitats and botanical species.	It is accepted that the NVC was a technical report, with discussion detailed within the ES-Chapter 8 Biodiversity.

Document	Element	Action(s) required	Comment following the review of additional information
12.36 OLEMP	Habitat and protected species surveys	Habitat and protected species surveys should be updated 12-18 months before construction commences to inform appropriate mitigation and the LEMP.	It is noted in the NE dSoCG agreement that the relevant assessments will be updated to ensure a current ecological baseline in advance of works. It is agreed that the PEA will be updated to inform the need for species-specific updates. These updated assessments are to inform the CEMP and the LEMP. The final LEMP will be subject to consultation with NE prior to submission to the LPA for approval and secured by DCO Requirement.
	Planning	The LEMP should be conditioned and approved by the LPA before the proposed development commences. It should also include provisions for monitoring and review of the document at the end of each 5-year period, for the 40 year lifespan of the project.	As agreed in the NE & CWT dSoCGs the final LEMP will be secured by DCO Requirement and considered a live document that will be updated every 5 years. Prior approval from the LPA will be required to amend existing management measures and mitigation in the LEMP.
	Habitat protection measures	<ul style="list-style-type: none"> - Buffers between infrastructure development and sensitive habitats should be defined in the OLEMP. - The OLEMP should include provision for any habitat within the buffers to be enhanced if the habitat is degraded. 	Species Protection Plans (SPP) and Risk Avoidance Method Statements (RAMS) will be included in the CEMP, defining appropriate buffers for sensitive habitat. The LEMP is to take into consideration the enhancement of habitat within buffers, if habitat is degraded.
Protected species surveys			
Bats	12.28 Qualifications	Surveyors experience/qualifications should be provided to evidence that the surveyor holds a Natural England bat survey license.	Surveyor details provided, with nine surveyors holding bat licences (Nature Scot Roost and Class 2) - satisfied surveyors are sufficiently competent. It is accepted that the ecologists working on the project have been overseen by an appropriately qualified and experienced ecologist based on the detail provided in The Statement of Expertise.
	12.42 Methodology and limitations	Clarification whether all trees could be fully visualised from the ground given in April they would be expected to be coming into leaf;	The applicant's response confirms that whilst some trees would have been in leaf, there were no significant limitations associated with dense canopies.

Document	Element	Action(s) required	Comment following the review of additional information
		Clarification of equipment used, was a high-powered torch and/or endoscope used for the building and tree roost assessments; and	From discussion with applicant's ecologist, they have clarified that surveys were undertaken prior to the 2023 BCT Guidance and therefore were in line with the 2016 guidance and surveys undertaken by competent bat licence holders.
		Weather conditions during the period of static detector data analysed to show whether weather conditions were suitable for assessment of bat activity levels;	The applicant's response clarifies that there were no significant limitations associated with weather conditions, and microphone placement. Although noted that precise location of the microphone was not provided, it is agreed that the majority of the habitat is extensively grazed grassland, clutter or refraction associated with foliage is unlikely to be a significant limitation.
		Orientation of the microphone on the static detectors placed, especially those at low height, to show these would adequately detect passing bats.	
		12.44 Further justification is required on the assessment of habitat value for bats based on the presence of a range of habitats which are valuable to foraging and commuting bats.	The applicant has provided robust justification of the habitat value assessment. It was clarified that woodland on site is managed as forestry plantations, and the site is predominantly intensively grazed grassland. Adjacent woodland is young or early mature and watercourses are poached and lacking diverse habitat structure. It is accepted that in the wider context and based on habitat descriptions, the value assigned is appropriate.
		12.45;47 Further justification is required for the use of a non-standard approach for the activity surveys and the reduced survey effort.	From discussion with applicant's ecologist, they have clarified that surveys were undertaken prior to the 2023 BCT Guidance and therefore were in line with the 2016 guidance and surveys were undertaken by competent bat licence holders.
		12.46 Further justification is required for why static monitoring was not completed in April, June and October.	

Document	Element	Action(s) required	Comment following the review of additional information
	Mitigation	12.48 Recommendations to mitigate impacts for such as habitat loss, indirect impacts on retained trees with bat roost suitability such as buffer zones.	It's noted in the NE RR, that NE has no significant concerns in respect to the approach to bats and it is agreed that on the whole, the scale of impact on bats is relatively low with significant enhancement opportunities. The management and habitat creation detail in the final LEMP must mitigate for any impacts to bats, including habitat loss considering the likelihood that foraging bats will use grassland beneath solar panels. The CEMP must include suitable buffer zones to protect retained trees which are suitable for use by roosting bats.
	Enhancement	Recommendations for habitat enhancements of areas surrounding the solar farm footprint.	The significant habitat enhancements set out in the LEMP (particularly the wetland areas) are welcome and will improve the site for foraging and commuting bats.
Birds	12.50 Wintering birds	The value of the site for wintering birds needs to be re-visited and considered if the site is of international value (using a precautionary approach) to wintering birds. Alternatively, robust justification for the current value assigned to this receptor must be provided.	The applicant response provides robust justification on the assessment of importance for wintering bird assemblages. Survey effort for wintering birds and Hen Harrier is considered appropriate and sufficient to determine the level of importance assigned. It's agreed that if following the updated PEA, impacts to barn owl are anticipated, appropriate pre-commencement barn owl surveys will be detailed in the CEMP and undertaken prior to works. Appropriate compensation will be included in the LEMP.
	12.58 OCEMP	The guidance in the OCEMP should follow the mitigation hierarchy and include further detail on reasonable avoidance measures.	
	12.59 Barn owl	If significant disturbance of barns is likely, then pre-commencement checks for barn owl are required as part of the CEMP or other suitable mitigation such as timing the works to avoid the barn owl breeding season (March – August inclusive).	

Document	Element	Action(s) required	Comment following the review of additional information
GCN	12.60 Methodology	Justification is needed as to why ponds within 500m of the site's red line boundary were not assessed as per the best practice guidelines,	Due to the absence of GCN records within 250m; the update assessment of GCN to be secured via the CEMP; and ECoW supervision of works, it considered the risk of GCN presence to be low and any subsequent impacts to be sufficiently controlled through measures in the CEMP. Retention of ponds and enhancement of ponds in area D is welcomed.
		Start and end survey times and weather for each egg searching, bottle trapping and torching survey.	Updated assessment of GCN is to include detailed methodology such as start and end times and weather condition, as appropriate.
	Qualifications	Confirmation of Natural England GCN class 1 license number of survey personnel.	Surveyor details provided, with five surveyors holding GCN survey licences - satisfied surveyors are sufficiently competent. It is accepted that the ecologists working on the project have been overseen by an appropriately qualified and experienced ecologist based on the detail provided in The Statement of Expertise.
	12.62 Validity of survey data	Surveys were carried out in 2023 and are now out of date in line with best practice. Update eDNA surveys are required to rule out GCN presence on site or clarification that the ponds condition hasn't changed and that the suitability for GCN is the same as in 2022.	It is noted in the NE dSoCG agreement that the relevant assessments will be updated to ensure a current ecological baseline in advance of works. It is agreed that the PEA will be updated to inform the need for species-specific updates. These updated assessments are to inform the CEMP and the Species Protection Plans (SPP) and Risk Avoidance Method Statements (RAMS). The final CEMP will be subject to consultation with NE prior to submission to the LPA for approval and secured by DCO Requirement.
Otter and water vole	12.64 Validity of survey data	Update surveys are required to inform the Ecological Impact Assessment for this project. These surveys must ensure that survey effort is fully compliant with guidance provided within the water vole mitigation handbook (Dean et al 2016) or sufficient justification is provided for non-compliance.	It is noted in the NE dSoCG agreement that 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. Pre-construction surveys, SPP and RAMs will be detailed in the CEMP. The final CEMP will be subject to consultation with NE prior to submission to the LPA for approval and secured by DCO Requirement.

Document	Element	Action(s) required	Comment following the review of additional information
	12.65 Habitat suitability	An assessment of habitat suitability for otter or water vole should be included in any updated reports.	The updated assessment for otter and water vole is to include a detailed assessment of habitat suitability.
Badger	12.66 Badger survey	A dedicated badger survey should be undertaken before determination due to the extent of adjacent woodland, which includes ancient woodland in order to inform the impact assessment.	It is noted in the NE dSoCG agreement that the relevant assessments will be updated to ensure a current ecological baseline in advance of works. It is agreed that the PEA will be updated to inform the need for species-specific updates, and it is considered that a dedicated badger survey is undertaken as part of the baseline update. The final CEMP will be subject to consultation with NE prior to submission to the LPA for approval and secured by DCO Requirement.
Hedgehog	12.69 Method statement	A method statement detailing control measures is required to protect hedgehog.	Due to the presence of suitable hedgehog habitat on site (scrub) and adjacent to the site (woodland), it is agreed that measures to protect hedgehog including ECoW supervision included in the draft CEMP are sufficient.
Dormouse, red squirrel and brown hare	Reasonable avoidance measures	The updated CEMP must include appropriate avoidance measures set out in RAMS specifically for dormice, red squirrel and brown hare.	As these species are considered absent from the site, the measures detailed in the CEMP are considered sufficient.

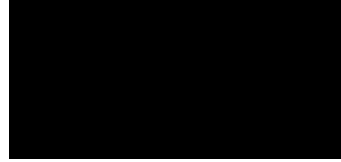
Yours sincerely




 CEcol MCIEEM

Associate

For and on behalf of Tetra Tech Limited



 CEcol CEnv MCIEEM

Director

For and on behalf of Tetra Tech Limited