



Dean Moor Solar Farm

Cumberland Council Draft Statement of Common Ground ~~with Cumberland~~ ~~Council~~

on behalf of **FVS Dean Moor Limited**

~~26 August~~30 September 2025

Prepared by: Stantec UK Ltd

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

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1 Introduction

1.1 Status of the Statement of Common Ground

1.1.1 This draft Statement of Common Ground ('dSoCG') has been produced for FVS Dean Moor Limited ('the Applicant') to support the application for a prepared in respect of the Development Consent Order (the 'DCO application') to the Secretary of State for Energy Security and Net Zero ('SoS') for Dean Moor Solar Farm ('the Proposed Development') located between the villages of Gilgarran and Branthwaite in West Cumbria (the 'Site'), which is situated within the administrative area of Cumberland Council ('the Council').

1.1.2 This dSoCG has been prepared by (1) the Applicant and (2) Cumberland Council. This includes the matters engaged with the Council in their function as the authority responsible for:

- Local Planning Authority (LPA);
- Lead Local Flood Authority (LLFA);
- Local Highways Authority (LHA);
- Environmental Health
- Minerals and Waste (Westmorland and Furness Minerals and Waste Policy Planning Team);
- Archaeology (Westmorland and Furness Historic Environment Officer);
- Ecology;
- Landscape; and
- Land Matters.

1.1.3 It is agreed that this dSoCG is an accurate description of the matters raised by ~~CC~~ the Council and the current status of each matter.

1.1.4 A high-level overview of the engagement undertaken since September 2023 is summarised in section 3.

1.2 Purpose of this document

1.2.1 The dSoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties, and where agreement has not (yet) been reached. In the planning process, SoCGs are an established means of allowing all parties to identify and

focus on specific matters that may need to be addressed during the Examination.

- 1.2.2 The dSoCG is a ‘live’ document that will be updated by the parties as matters progress.

1.3 Terminology

- 1.3.1 In the matters tables in Section 2 of this dSoCG, ‘*Matter agreed*’ indicates where issues are resolved. ‘*Matter under discussion*’ indicates where points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties and ‘*Matter not agreed*’ indicates agreement on the matter could not be reached following significant engagement.

- 1.3.2 For the purpose of brevity, the following is a list of the documents commonly referred to within this dSoCG, along with the acronyms / abbreviations used in Table 2.1 and 2.2.

Table 1.1 List of abbreviations used within this dSoCG

Document / Figure Title	Abbreviation
Flood Risk Assessment and Outline Drainage Strategy	FRA & ODS
Transport Statement	TS
Outline Operational Management Plan	OOMP
Outline Construction Environmental Management Plan	OCEMP
Outline Construction Traffic Management Plan	OCTMP
Outline Soil Management Plan	OSMP
Framework Decommissioning Management Plan	FDMP
Landscape Strategy Plan	LSP
Outline Landscape Ecological Management Plan	OLEMP
Planning Statement	PS
Design Approach Document	DAD
Design Parameters Document	DPD
<u>Written Representation</u>	<u>WR</u>
<u>Relevant Representation</u>	<u>RR</u>

2 Current Position

2.1 Position of Cumberland Council and the Applicant

2.1.1 The Applicant and the Council have had positive engagement across a span of environmental and planning topics, on which the Applicant has sought advice from the relevant departments of the Council.

2.1.2 This dSoCG has been informed by the Council's Additional Submissions (AS) [[AS-003](#)], [[AS-004](#)], [[AS-005](#)], the Local Impact Report (LIR) [[REP2-058](#)], and the Council's Response to the ExA's First Written Questions (ExQ1) [[REP2-059](#)]. Detailed responses to each point raised within the AS, LIR, and the Council's Response to ExQ1 are included within the 'Applicant Responses to Relevant Reps' (ARRR) [[REP1-002](#)], the Applicant Response to the Local Impact Report (ARLIR) [[D3.7](#)], and Applicant Response to the Council's Response to ExQ1 [[D3.3](#)]. The shared position set out below in Table 2.1 '*Matters agreed*' is the agreed position. However, the wording may be refined following further engagement between the parties and these updates will be presented in the next version of the dSoCG.

2.1.3 Topics covered in this dSoCG are informed by discussions with the Council around the scope of their engagement as summarised below:

- Feedback from the Historic Environment Officer (HEO) is focused on assessment of archaeology. ~~The Council is currently deferring to Historic England for assessment of built heritage assets. This dSoCG only reflects the Council's position on archaeology.~~ It is understood that feedback provided in relation to built heritage within the Local Impact Report (LIR) [[REP2-058](#)] was provided by the Council as the Local Planning Authority;
- The Environmental Health Officer (EHO) has advised that the scope of their comments excludes consideration of glint and glare. However, the Council provided comments regarding the glint and glare assessment within the LIR; and
- The Minerals and Waste Authority have deferred to the Mining Remediation Authority (MRA) (formerly the Coal Authority) on several matters (CC.MW.4-CC.MW.9).

~~2.1.4 — In addition, the Applicant has agreed with the Council that, at D2 the dSoCG would not cover Biodiversity or Landscape matters. The Applicant's response to the Council's Landscape AS [AS-005] is included within the ARRR and is proposed to be incorporated within the next version of the dSoCG.~~

~~2.1.5 — The Applicant received the Council's review of the application's biodiversity documents on 11 August which has not been submitted to the ExA at this stage. It is anticipated that this will be issued as part of the LIR, and the dSoCG will be updated to cover discussion of the points included in this report.~~

~~2.1.6~~2.1.4 As an update from the previous dSoCG submitted at D2, the dSoCG now covers Biodiversity and Landscape matters. The Applicant's detailed response to the Council's Landscape AS [AS-005] is included within the ARRR [REP1-002] and the Applicant Response to the Local Impact Report ('ARLIR') [D3.7]. The Applicant has since met with the Council to discuss these comments, and their comments within the LIR to inform this dSoCG.

~~2.1.7~~2.1.5 The Applicant has further provided a detailed response to the Council's review of the application's biodiversity documents, authored by Tetrtech, within the ARLIR [D3.7]. The Applicant has had further engagement with Tetrtech and the Council to discuss these matters. The dSoCG has been updated to cover those topics have been discussed.

2.2 Matters agreed

2.2.1 Table 2.1 below details the matters agreed with the Council.

Table 2.1 Matters agreed

Ref	Topic	Shared position	Application Ref
Planning Policy			
CC.LPA.1	General consideration of the Local Development Plan (LDP)	<p>It is agreed that the Applicant^s has considered the full extent of policies within the LDP, as described within Cumberland Council's Local Development Scheme. The emerging Cumberland Local Plan is not sufficiently advanced for the Applicant to have regard to its policies.</p> <p>The Council confirms the application has had regard for the correct policies that will be relevant to their decision making as a consultee.</p>	<p>PCD [APP-027] PS [AS-010] Relevant policy sections of ES Chapters and appendices [APP-031 – APP-042] & [APP-095 – APP-174]</p>
CC.LPA.2	Accessibility and proposed permissive paths	<p>The Proposed Development avoids impacts on the existing public access network (e.g. PRoW) and is in accordance with Policies S22(g) and S25(f). The Applicant has sought to introduce new recreation activities and improve connectivity where possible.</p> <p>The Proposed Development includes features that will introduce new public access and interaction opportunities across the Site, particularly in locations where the local community expressed an interest during consultation; the pond in Area D and the Stone Circle and Cairn in Area C, as well as wildlife in the ancient woodland adjoining Area C.</p> <p>The Proposed Development includes two new permissive paths, one of which is a shorter recreational loop to the pond in Area D, which is likely of most interest to Gilgarran residents. The other runs the length of the western boundary of Area C which has wider recreational value as it links with existing public open access land and PRoW in the vicinity, providing improved off-road connectivity options.</p> <p>The indicative routes of these paths are identified in Fig. 7.7b Permissive Paths in the OLEMP. The proposed management and signage arrangements for these permissive paths is set out within Table 4.1 of the OOMP. The routes will also include information</p>	<p>DAD [APP-029] Fig. 7.6 LSP [APP-088] Appx 7.7 OLEMP [APP-145] Appx 3.1 OOMP [APP-107]</p>

Ref	Topic	Shared position	Application Ref
		boards in strategic locations to provide education/interaction opportunity. The introduction of two new permissive paths are a beneficial aspect of the Proposed Development that is supported by Council policy. It is agreed that the routes proposed represent a positive contribution to local green infrastructure and recreation subject to the Council's review of the final details of the routes, proximate landscape measures, and signage/information boards in the LEP and LEMP to be provided as a DCO Requirement and substantially in accordance with the LSP and OLEMP provided with this application.	
CC.LPA.3	Planning History	It is agreed that the relevant planning history of the Site is set out within section 2.3 of the Planning Statement, and that the consideration of previous uses of the Site have informed the technical environmental assessments where appropriate, for example in consideration of the legacy of coal mining within the Site.	PS [AS-010]
CC.LPA.4	Impacts on land use and acceptability of proposed changes to land use	It is agreed that the use of agricultural land is necessary for the Proposed Development, and that the Proposed Development does not involve the irreversible loss of any land available for agriculture or impact on any BMV agricultural land. The Proposed Development will also facilitate co-located agricultural use. Grazing would be utilised as part of the landscape maintenance regime, at a reduced intensity. The GMP will detail how co-located grazing will occur on the Site in order to maintain agricultural activity and economic contribution to the local economy. It is agreed that the Proposed Development accords with Policy DM5 and Policy S2 in relation to farm diversification and safeguarding agricultural land.	PS [AS-010] DAD [APP-029]
CC.LPA.5	Accordance of the principle of the Proposed Development with the key strategic policies of the Allerdale Local Plan	As described within the Council's LIR, it is agreed that the principle of the Proposed Development is in accordance with the key strategic policies of the Allerdale Local Plan Part 1 (LPP1) as a whole. However, the Council has indicated within the LIR, this remains subject to the detailed considerations around the impacts of the Proposed Development which are set out within the following sections of this table and Table 2.2.	LIR [REP2-058] PS [AS-010] PCD [APP-027]

Ref	Topic	Shared position	Application Ref
CC.LPA.6	Assessment and mitigation of light pollution (glint and glare) effects	<p>It is agreed 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 within the LEP / LEMP can address mitigation for glint and glare in order to negate any adverse impacts.</p> <p>It is also agreed that the commitments of the OCEMP and OOMP with respect to re-modelling against the final design and implementing temporary protective barriers are sound measure that will provide temporary screening for potential glint and glare effects until such time as the planting and management of the LEP/LEMP achieve sufficient height/density to provide the screening.</p>	<p>Work Plans [APP-007]</p> <p>ES Ch 2 EIA Methodology [APP-033]</p> <p>ES Ch 7 Landscape and Views [APP-039]</p> <p>ES Appx 7.7 OLEMP [APP-145]</p> <p>ES Fig 7.6 LSP [APP-088]</p> <p>ES Appx 5.1 OCEMP [APP-108]</p> <p>ES Appx 3.1 OOMP [APP-107]</p> <p>PS section 6.11 [AS-010]</p>
CC.LPA.7	Cumulative Effects	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 the 'ARLIR'.	<p>Ch2 EIA Methodology [APP-033]</p> <p>ES technical chapters 6-10 [APP-037 - 041]</p> <p>ES Fig 2.1 Cumulative Schemes within 10km of the Order Limits [APP-044]</p>
CC.LPA.8	The principle of development in relation to the Council's policies on climate change	It is agreed that the Proposed Development contributes positively to the LPA's climate change and net zero ambitions.	<p>PCD [APP-027]</p> <p>PS [AS-010]</p> <p>Ch11 Cumulative Effects and Residual Effects Summary [APP-042]</p>
CC.LPA.9	The approach to good design and compliance with good design policy	It is agreed that the Proposed Development has positively responded to the relevant local planning policies (Policies S4 and DM14 of the Allerdale Local Plan Part 1 (2014)) through its approach to good design, avoiding sensitive areas and limiting adverse areas where practicable. It is agreed that the design of new development complies with the requirements of Policies S4 and DM14 for development to be functional, safe, accessible,	<p>PCD [APP-027]</p> <p>PS [AS-010]</p> <p>Ch4 Alternatives and Design Evolution [APP-035]</p> <p>DAD [APP-029]</p>

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		<p><u>and integrated within its surroundings. This agreement is subject to the Council's review of the detailed design and assessment of compliance with local policy through the discharge of requirements.</u></p> <p><u>The DAD demonstrates good design in relation to: transport and access (Section 6.2) in accordance with Policy S22; green infrastructure (Sections 6.4 and 6.5) in accordance with Policy S24; Public Rights of Way (Section 6.3) in accordance with Policy S25f; flood risk and drainage (Section 6.8) in accordance with Policy S29; and trees, hedgerows and woodland (Section 6.4 and 6.5) in accordance with Policy DM17.</u></p>	<p><u>DPD [APP-028]</u></p> <p><u>dDCO [APP-012]</u></p> <p><u>Works Plans [APP-007]</u></p>
Environmental Health (EH)			
CC.EHO.1	Consideration of the appropriate environmental health issues	It is agreed the Applicant has appropriately identified and addressed the relevant topics / policies for environmental health that are relevant to the Council's consideration of effects for policy S19 and other specific policies relating to environmental health and amenity.	<p>PS section 6.11 [AS-010]</p> <p>PDC-PCD [APP-027]</p> <p>Ch2 EIA Methodology [APP-033]</p>
CC.EHO.2	Scope and methods for the assessment of human health and amenity	It is agreed that the ES and other application documents have has appropriately and proportionally addressed the topics relevant to potential effects on human health and amenity.	<p>Ch2 EIA Methodology [APP-033]</p> <p>Ch10 Ground Conditions [APP-041]</p> <p>DAD [APP-029]</p> <p>PS section 6.11 [AS-010]</p> <p>Appx 2.4 FRA [APP-099 – 101]</p> <p>Fig. 7.6 LSP [APP-088]</p>
CC.EHO.3	Effects on human and environmental health and amenity	It is agreed that, subject to good design being delivered through the layout of development, landscaping, and the way the Proposed Development is implemented and operated, there is potential for multifunctional benefits for human and environmental health.	<p>Ch2 EIA Methodology [APP-033]</p> <p>Ch10 Ground Conditions [APP-041]</p> <p>DAD [APP-029]</p> <p>PS section 6.11 [AS-010]</p> <p>Appx 2.4 FRA [APP-099 – 101]</p>

Ref	Topic	Shared position	Application Ref
			Fig. 7.6 LSP [APP-088]
CC.EHO.4	Mitigation for effects on human health and amenity	<p>It is agreed that good design in respect of the siting of development and landscape strategy can be secured via the constraints and commitments established by the Works Plans and DPD and the relevant DCO Requirements subject to the Council's scrutiny of the final design of the generating station layout and landscaping to be provided in accordance with the dDCO.</p> <p>It is agreed that in conjunction with good design of layout and landscaping, control documents governing the construction, operation, and decommissioning phases of the Proposed Development are an appropriate way to provide management of the methods/activities that occur in each phase which could otherwise have direct or indirect effects on human health and amenity.</p> <p>It is agreed that the Proposed Development's outline control documents (OCEMP, OCTMP, OSMP, ODS (within the FRA), OLEMP, OOMP, and FDMP) establish suitable constraints and commitments to control against adverse effects on human health subject to the Council's scrutiny of the final versions of these documents to be submitted to the Council for approval as a DCO Requirement.</p>	<p>Ch2 EIA Methodology [APP-033]</p> <p>Ch10 Ground Conditions [APP-041]</p> <p>DAD [APP-029]</p> <p>PS section 6.11 [AS-010]</p> <p>Appx 2.4 FRA [APP-099 – 101]</p> <p>Fig. 7.6 LSP [APP-088]</p>
CC.EHO.5	Assessment and mitigation of light pollution (general) effects	<p>It is agreed that the use of lighting within the Proposed Development can be acceptable subject to appropriate design and controls which ensure it is operated in a sensitive way to avoid light pollution effects on environmental interests. The Proposed Development will not require any lighting which is permanently on.</p> <p>It is agreed that the final CEMP (for construction) and LEMP/OMP (for operations) are appropriate means by which to control the use of lighting on the site subject to the Council's review of the documents provided as a DCO Requirement and subject to the Council's approval of any designs which include lighting features which may be permanently available.</p>	<p>PS section 6.11 [AS-010]</p> <p>Appx 5.1 OCEMP [APP-108]</p> <p>Appx 3.1 OOMP [APP-107]</p> <p>Appx 5.4 FDMP [APP-111]</p>
CC.EHO.6 7	Assessment and mitigation of noise effects (construction	It is agreed that the construction and decommissioning of the Proposed Development is not considered to lead to significant noise and vibration impacts and the appropriate mitigation can be secured by management plans for traffic management and Site	<p>Appx 5.2 OCTMP [APP-109]</p> <p>Appx 5.1 OCEMP [APP-108]</p> <p>Appx 5.4 FDMP [APP-111]</p>

Ref	Topic	Shared position	Application Ref
	and decommissioning)	management via the DCO Requirements for the CTMP, CEMP, and DMP suite which will include construction phase equivalents for decommissioning. It is agreed that for construction the OCTMP and OCEMP provide measures that suitably address noise effects and can provide suitable mitigation subject to the Council's review of the final CTMP and CEMP to be provided as Requirements for the Council's approval.	
CC.EHO.79	Assessment and mitigation of waste management (construction and decommissioning)	It is agreed that the Proposed Development is not considered to generate significant amounts of waste during construction or decommissioning, and that the appropriate controls of waste for these phases have been outlined within the relevant management plans, which will be secured by DCO Requirements.	Ch5 Construction and Decommissioning Phasing and Methodology [APP-036] Appx 5.1 OCEMP [APP-108] (sections 9 and 10) Appx 5.4 FDMP [APP-111] Appx 3.1 OOMP [APP-107] Appx 7.7 OLEMP [APP-145] SNS [APP-024] PS section 6.11 [AS-010]
CC.EHO.849	Assessment and mitigation of waste management (operations)	It is agreed that the Proposed Development is not considered to generate significant amounts of waste during operation, and that the appropriate controls of waste during operation have been outlined within the relevant management plans, which will be secured by DCO Requirements.	Appx 3.1 OOMP [APP-107] Appx 7.7 OLEMP [APP-145]
CC.EHO.944	Assessment and mitigation of air quality effects (construction and decommissioning)	It is anticipated to be agreed that the measures proposed within the relevant control documents (OCEMP, OOMP, FDMP) would provide appropriate mitigation for the potential for effects to air quality during the construction and decommissioning phases.	Appx 5.1 OCEMP [APP-108] Appx 5.2 OCTMP [APP-109] Appx 3.1 OOMP [APP-107] Appx 5.4 FDMP [APP-111] Appx 5.3 OSMP [APP-110] SNS [APP-024]
CC.EHO.1042	Assessment and mitigation of air quality effects	It is agreed that the measures proposed within the relevant control documents (OOMP) would provide appropriate mitigation for the potential for effects to air quality during the operational phase.	Ch2 EIA Methodology [APP-033] Appx 5.1 OCEMP [APP-108] Appx 5.2 OCTMP [APP-109]

Ref	Topic	Shared position	Application Ref
	(operations)		Appx 3.1 OOMP [APP-107] Appx 5.4 FDMP [APP-111] SNS [APP-024] PS section 6.11 [AS-010] SNS [APP-024]
CC.EHO.11 3	Ground conditions (contamination and stability hazards) associated with historic coal mine entries	It is agreed that the approach of securing ground investigation post-consent is appropriate to characterise the historic mine entries within the Site and propose an appropriate strategy for remediation and mitigation, to be agreed with the Council and the MRA.	Ch10 Ground Conditions [APP-0411] Appx 10.2 CMHA [APP-171] Appx 5.1 OCEMP [APP-108] dDCO [APP-012]
CC.EHO.12 4	Assessment and mitigation for soil resource conservation (construction and decommissioning)	It is agreed that a SMP is an appropriate means by which to provide dedicated management of soil resource conservation during the construction phase and supports best practice for the protection of the soil resource during the construction phase, including requirements for soil handling, ground preparation, soil storage, and restoration upon decommissioning. It is agreed that a final DMP suite which includes a SMP for decommissioning can ensure protections for soils as part of the Site's restoration to its current use.	Appx 5.3 OSMP [APP-110] Appx 5.1 OCEMP [APP-108] Appx 3.1 OOMP [APP-107] Appx 5.4 FDMP [APP-111] Appx 7.7 OLEMP [APP-145] Fig. 7.6 LSP [APP-088] Ch5 Construction and Decommissioning Methodology and Phasing [APP-036]
CC.EHO.13 5	Assessment and mitigation for soil resource conservation (operations)	It is agreed 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.	Appx 5.3 OSMP [APP-110] Appx 3.1 OOMP [APP-107] Appx 7.7 OLEMP [APP-145]
CC.EHO.14 46	Assessment and mitigation of noise effects (operations)	It is agreed that the Noise Impact Assessment (NIA) is appropriate for this phase of the Proposed Development in assessing the 'worst-case' operational noise effects which considers the margin that the noise rating level exceeds the background sound level. Based on the NIA outcome, it is agreed that the operation of generating station	Work Plans [APP-007] dDCO [APP-0121] Appx 2.6 NIA [APP-103] Ch2 EIA Methodology [APP-

Ref	Topic	Shared position	Application Ref
		<p><u>equipment will not lead to significant noise and vibration effects subject to DCO Requirement 12 (Noise) and the commitments secured via the Outline Operational Management Plan (OOMP) (DCO Requirement 11).</u></p> <p><u>It is agreed that the NIA identifies the noise emitting sources associated with equipment including Work No 1 PCS Units (associated with the HVAC fans which do not operate at night) and Work No 2 Grid Connection Infrastructure, as well as the Noise Sensitive Receptors (NSR) proximate to the Site. It is agreed that it has been demonstrated that the Works Plans which limit the location of Work No.2 to a location without potential for adverse effects and that the DCO Requirement for an updated NIA for the PCS Units (and the corresponding OOMP commitments will ensure noise levels will not exceed the Low Observable Adverse Effects Level (LOAEL) and will therefore not be significant.</u></p> <p><u>Furthermore, it has been appropriately demonstrated that there is sufficient area within Work No 1 to provide mitigation through sensitive siting of equipment to enable effects below the LOAEL at the No Observable Adverse Effects Level (NOAEL) and/or through the provision of additional attenuation measures such as enclosures or cowls for the PCS units. Along with DCO Requirement 12, the OOMP sets out a procedure to verify operational noise at an acceptable level and/or to secure additional mitigation to be approved by the Council in the event of a substantiated noise complaint.</u></p> <p><u>The application demonstrates that consideration has and will be given to minimising the effect on all NSR. The Requirement 12 NIA will be required to be submitted and approved by the Council, who would therefore have an opportunity to consider the impacts and mitigation which is to be implemented. The Council will also have the opportunity to scrutinise the final OMP which will include the final details of any noise attenuation being provided which requires maintenance, and secures the provision of a means by which the Council can ensure acceptable operational noise effects.</u></p> <p><u>It is agreed that the potential for noise effects arising from maintenance activities can be suitably controlled by the OMP, which governs when and how maintenance activities will occur on Site to ensure these are conducted in a considerate manner, which will be substantially in accordance with the OOMP, subject to the Council's review of the OMP.</u></p>	<p>0331</p> <p><u>Appx 5.1 OCEMP [APP-108]</u></p> <p><u>Appx 5.2 OCTMP [APP-109]</u></p> <p><u>Appx 3.1 OOMP [APP-107]</u></p> <p><u>Appx 5.4 FDMP [APP-111]</u></p> <p><u>SNS [APP-024]</u></p> <p><u>PS section 6.11 [AS-010]</u></p>

Ref	Topic	Shared position	Application Ref
CC.EHO.1 56	Discovery strategy in the event of unexpected contamination	<p>The EA has commented on the proposed discovery strategy wording within the OCEMP OCEMP. The Applicant has amended the wording to respond to the EA's comments, and have agreed this the Council's Environmental Health Officer (EHO):</p> <p><i><u>'In the event that contaminated land, including groundwater, is found at any time when carrying out the Proposed Development which was not previously identified in the ES or subsequent ground investigations and assessments (the phase 1 assessment), then all works shall cease and no further development (unless otherwise approved in writing by the Council) will be carried out within the identifiable perimeters of the area in which the suspected contamination is located until an investigation and remediation strategy has been submitted to and approved in writing by the Council detailing how this unexpected contamination shall be dealt with.</u></i></p> <p><i><u>Where a phase 2 investigation assessment determines that remediation of the unexpected contamination is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose (phase 3) will be submitted to and approved in writing by the Council. Where found to be necessary, remediation will be carried out in accordance with the approved scheme.</u></i></p> <p><i><u>Following the completion of any required remediation works, a phase 4 (Validation) report will be provided to the Council demonstrating the proof and success of the remediation works implemented, if required by the Phase 3 remediation strategy.'</u></i></p> <p><u>The wording will be updated in the OCEMP. The expectation is this may be submitted for D4, although it is possible the Applicant may wait until a later deadline than D4 subject to the final agreement on the wording with all parties.</u></p>	Appx 5.1 OCEMP [APP-108]
Transport			
CC.LHA.1	Baseline conditions and Transport Statement methodology	<p>The Applicant and the LHA are agreed on the data that has been used to define the baseline conditions as described in the Transport Statement and that there are no notable safety concerns related to the Local Road Network within the study area. It is agreed that traffic modelling is not required.</p> <p>The LHA are satisfied that the necessary data, detail of the temporary and permanent</p>	<p>Appx 2.5 TS [APP-102]</p> <p>Appx 5.2 OCTMP [APP-109]</p>

Ref	Topic	Shared position	Application Ref
		proposals and mitigation measures can be covered off in a TA and CTMP as proposed and are secured through DCO Requirement.	
CC.LHA.2	Impacts of the Proposed Development on the (LRN) during construction and decommissioning	<p>It is agreed that matters relating to transport and access during the Proposed Development's construction can be adequately governed by the final CTMP, which will be substantially in accordance with the OCTMP and approved by the Council as a DCO Requirement following consultation with the LHA. Subject to the LHA's review of the OCTMP it is agreed that a CTMP can establish appropriate measures to limit the impacts of construction traffic on the LRN. The LHA is satisfied that interests of the road users and the LRN itself are protected and mitigated by the implementation of suitable CTMP and CWTP. These are secured by a requirement in the draft DCO.</p> <p>It is also agreed that the Proposed Development's decommissioning phase can be adequately governed by a Decommissioning Traffic Management Plan (DTMP) to be provided as part of the DMP suite for the Council's approval as a DCO Requirement.</p>	<p>Appx 2.5 TS [APP-102] Ch5 Construction and Decommissioning Methodology and Phasing [APP-036] Appx 5.2 OCTMP [APP-109] Appx 5.1 OCEMP [APP-108] Appx 5.4 FDMP [APP-111]</p>
CC.LHA.3	Impacts of the Proposed Development on the LRN during the operational phase	<p>It is agreed that the operational vehicle movements are expected to be limited, and the OOMP and OCTMP provides suitable outline controls to be carried forwards into the final versions of these plans. It is agreed that measures from the CTMP would be carried forwards into the OMP should any operational works go significantly beyond standard low-level maintenance.</p> <p>Further details of the permanent accesses for the operational phase are required for approval by the LHA. This requirement is secured by way of condition and is embedded in the CTMP and OMP.</p>	Appx 3.1 OOMP [APP-107]
CC.LHA.4	Strategies to reduce impacts of construction traffic	It is agreed that the OCTMP addresses the topics necessary for an effective CTMP and proposes appropriate measures to minimise the amount of traffic, control traffic flows, and maintain safe access to/from the Site via the SRN and LRN. The OCTMP is agreed as a suitable outline control document based on the information available at this stage and the baseline established by the TS. This is agreed on the basis that the LHA will be consulted on the final CTMP in advance of submission to the Council for approval as a DCO Requirement.	<p>Appx 2.5 TS [APP-102] Appx 5.2 OCTMP [APP-109]</p>

Ref	Topic	Shared position	Application Ref
CC.LHA.5	Construction traffic routing	<p>It is agreed that the LRN routing to/from the Site, as assessed in the TS and secured via OCTMP section 5, is appropriate for the construction phase, avoiding local settlements and sensitive areas, and with a good connection to the SRN. The LRN route does not require any significant works to be made suitable and no roadworks under a S278 agreement will be needed to accommodate the nature of construction traffic (size of vehicles and volume of traffic) before construction can commence.</p> <p>It is agreed that the OCTMP provides suitable controls to support drivers to follow the prescribed route, and that the Principal Contractor will monitor any planned works or diversions and engage with the LHA if any short-term deviations from the designated routes are required.</p> <p>The final details of the routing and associated compliance measures of the CTMP will be subject to consultation with the LHA before submission to the Council as a DCO Requirement and will benefit from the signage scheme to be agreed with the LHA as a secondary consent, which will include signs for safety in proximity to the Site as well as signage that directs drivers to the Site along the LRN route.</p>	<p>Appx 2.5 TS [APP-102] Appx 5.2 OCTMP [APP-109]</p>
CC.LHA.6	Pre-commencement and post-construction road condition survey	<p>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. The details and scope of the RCS will be established and agreed through the submission and approval of the CTMP.</p>	<p>Appx 5.2 OCTMP [APP-109]</p>
CC.LHA.7	Site accesses	<p>It is agreed that the accesses identified by Work No. 5 are, or can be made, suitable without significant formalisation or upgrades required that would necessitate additional highways consents. It is appropriate that final design details of the accesses to be used for construction and/or operations will be provided along with the detailed design DCO Requirement. The parameters relating to accesses and Site security in the DPD are in accordance with LHA expectations and it is agreed that any access widening that is only necessary for construction should be reinstated, with design details for both phases (including swept path analysis and visibility splays) to be subject of LHA consultation in advance of the Council's Approval.</p>	<p>Appx 2.5 TS [APP-102] Works Plans [APP-007] Streets & Access Plans [APP-008] DPD [APP-028] Appx 5.2 OCTMP [APP-109] Appx 3.1 OOMP [APP-107] Appx 5.4 FDMP [APP-111]</p>

Ref	Topic	Shared position	Application Ref
		<p>It is agreed that the OCTMP establishes suitable controls for maintaining safe access and egress from the Site for the construction phase for Site operators and members of the public using the LRN in the vicinity of the Proposed Development- subject to further consultation with the LHA on the final CTMP in advance of Approval as a DCO Requirement.</p> <p>It is agreed that for the operational period the OOMP provides appropriate measures to ensure that internal access tracks are maintained so that the use of the accesses does not become unsafe or introduce risk to LRN users, including maintaining the condition of the access aprons and verges and suitable visibility splays. These measures are suitable subject to the LHA's review of the final OMP submitted to the Council as a DCO Requirement.</p> <p>The approach to decommissioning established by the FDMP is agreed as appropriate as this establishes that the final DMP document suite will include details of reinstatement design and the equivalent of the CTMP for the decommissioning works which will be based on consultation with the LHA.</p> <p>It is agreed that the OCTMP and OOMP contain the necessary options and controls at this stage, and the development and submission of the CTMP and OMP will give the LHA a suitable opportunity to review the final proposals.</p>	
CC.LHA.8	Temporary Construction Compounds	<p>It is agreed that Work No. 4 identifies suitable locations for the temporary construction compounds, and that further information will be provided as part of the detailed design as to the final layout and locations of the compounds.</p> <p>It is agreed that the OCEMP, OCTMP, and FDMP provide the appropriate foundation for the measures to be carried into the final versions of these plans, for the management of these compounds and the temporary facilities they will include, such as wheel washing facilities where appropriate, worker car parking and minibus parking, waste management and materials storage, and site management cabins.</p>	<p>Ch5 Construction and Decommissioning Methodology and Phasing [APP-036]</p> <p>Appx 2.5 TS [APP-102]</p> <p>Works Plans [APP-007]</p> <p>DPD [APP-028]</p> <p>Appx 5.2 OCTMP [APP-109]</p> <p>Appx 5.1 OCEMP [APP-108]</p> <p>Appx 5.4 FDMP [APP-111]</p>
CC.LHA.9	Construction traffic management	<p>There is agreement on the construction phase signage arrangements with the LHA, and that the LHA will be able to provide further feedback into the final measures to be</p>	<p>Appx 2.5 TS [APP-102]</p> <p>Traffic Regulation Measures</p>

Ref	Topic	Shared position	Application Ref
	measures and temporary traffic arrangements	<p>included in the final CTMP following detailed design.</p> <p>It is agreed, based on previous discussions with the LHA on temporary traffic management (TM) and speed management measures, that the measures set out within the OCTMP, including for a temporary speed limit reduction to 30mph on Gilgarran Road within the Order Limits as shown on the Traffic Regulation Measure Plan, is appropriate.</p> <p>It is agreed that if AIL movements are required, they would be managed in accordance with the standard notification and consenting processes with the affected LHAs.</p> <p>The exact nature of the TM, Temporary Traffic Regulation Orders (TTRO) etc, will be established through dialogue and the necessary applications for permits by the Applicant to the LHA's Streetworks department.</p>	<p>Plan [APP-009]</p> <p>Appx 5.2 OCTMP [APP-109]</p> <p>dDCO [APP-012]</p>
CCLHA.10	Cumulative effects and construction traffic management	<p>It is agreed that the Transport Statement is based on the current data relating to the A595 Lillyhall Roundabout and that the analysis therein confirms that effects would not be significant and no further assessment is required. Notwithstanding this, National Highways consider that further assessment (data collection and junction modelling) may need to be undertaken to understand the effects of the cumulative construction traffic associated with the Proposed Development and other development, which includes the Lostrigg Solar DCO (now withdrawn) on the future operation of the roundabout.</p> <p>It is agreed that a CTMP will be necessary to control traffic associated with the Proposed Development and that a future CTMP secured by DCO Requirement must adequately consider the cumulative impact of the Proposed Development and any other future major development in the study area. The OCTMP (ES Appendix 5.2) confirms the Principal Contractor will liaise with Lostrigg Solar if required, and share programming information so that deliveries may be coordinated to minimise impacts on the LRN and SRN including A595 and Lillyhall Roundabout. It is agreed that although the Lostrigg Solar DCO is withdrawn, this principal of collaboration and coordination will be valuable for any scheme which may come forward with an overlapping construction period.</p> <p>The OCTMP has provisions to include the cumulative impact of other nearby developments (including Lostrigg Solar). The CTMP will therefore reflect the wider and</p>	<p>Ch5 Construction and Decommissioning Methodology and Phasing [APP-036]</p> <p>ES Appx 2.5 TS [APP-102]</p> <p>ES Appx 5.2 OCTMP [APP-109]</p> <p>Ch11 Cumulative Effects and Residual Effects Summary [APP-042]</p>

Ref	Topic	Shared position	Application Ref
		cumulative impact.	
CC.LHA.11	Construction Worker Travel Plan	<p>It is understood that the LHA support the inclusion of the CWTP, and it is anticipated to be agreed that the FCWTP provides a strong foundation at the submission stage for providing sustainable transport for construction workers and limiting potential impacts on the SRN and LRN, through measures such as minibus service provision.</p> <p>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.</p>	<p>Ch5 Construction and Decommissioning Methodology and Phasing [APP-036]</p> <p>Appx 2.5 TS [APP-102]</p> <p>Appx 5.2 OCTMP [APP-109] (section 7 - FCWTP)</p>
Flood Risk and the Water Environment			
CC.LLFA.1	Assessment of flood risk from watercourses within the Site, including the impact of climate change, and the application of the Environment Agency (EA) National FRA (NaFRA) updated mapping.	<p>It is agreed that the assessment of flood risk using the EA's Risk of Flooding from Surface Water (RoFSW) maps, which include allowances for climate change and determines that the majority of the Site is at low risk of flooding from all sources, are sufficient to inform the assessment of flood risk for the Site given the nature of the Proposed Development, the form of construction and the proposed offsets and layout planning that demonstrate there will be no detrimental impact to flood risk.</p> <p>There is agreement that the use of existing open data sources - using the enhanced new NaFRA datasets - is appropriate to assess flood risk and design a suitable surface water strategy given the form of the development and that additional modelling of flood risk with the RoFSW mapping is not necessary.</p>	Appx 2.4 FRA [APP-099 – 101] (section 5)
CC.LLFA.2	Applicant's approach to the consideration of Pluvial (surface water) flood risk	<p>It is agreed that effective design and Site management can be an effective means by which to mitigate flood risk effects on the Site, and therefore off-Site 'downstream' effects. However, this will be subject to the LLFA's review of the plans and proposals intended to secure commitments in relation to flood risk and the water environment.</p> <p>It is agreed that, the use of the EA's open source Flood Risk data and mapping to assess flood risk and to design a suitable surface water strategy is acceptable, and additional flood risk modelling will not be necessary.</p>	Appx 2.4 FRA [APP-099 – 101] (section 5 and section 8)

Ref	Topic	Shared position	Application Ref
CC.LLFA.3	Use of buffer strips to protect Ordinary Watercourses within the Site.	<p>It is agreed that the Proposed Development includes minimum 8m exclusion areas the top of the bank of watercourses / waterbodies for all development such as Work No 1 - Solar Infrastructure and Work No 2 - Grid Connection Infrastructure in accordance with LLFA recommendations and EA standards. 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.</p> <p>This is secured in the application via the Works Plans which excludes development other than Work No 6 - Green Infrastructure (landscaping and riparian management in accordance with the OLEMP) from the minimum 8m buffer. The implementation of barriers and other measures for the protection of the water environment during construction are set out in the OCEMP.</p> <p>It is agreed that the exclusion of development and management plans governing the construction and operation phases can be an effective means to protect the water environment subject to the LLFA being consulted on the final versions of these management plans submitted as a DCO Requirement.</p> <p>The exception to the 8m buffer is limited to the locations of existing crossing points (e.g. culverts) which may be utilised as part of the final design. As set out in the OCEMP, works within 8m of the watercourse would only be undertaken in accordance with a method statement and design approved by the LLFA as a secondary consent applied for in pre-construction.</p> <p>It is agreed that restricting all development within 8m of a watercourse other than development which approved via the LLFA's procedure under the S23 of the Land Drainage Act 1991 is an appropriate means by which to control development with the potential to effect ordinary watercourses across the Site.</p> <p>The LLFA is satisfied 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.</p>	<p>Appx 2.4 FRA [APP-099 – 101]</p> <p>Works Plans [APP-007]</p> <p>Fig. 3.5 Exclusion Areas [APP-050]</p> <p>Consents & License Position Statement [APP-025]</p> <p>Appx 7.7 OLEMP [APP-145]</p> <p>Appx 5.1 OCEMP [APP-1083]</p>

Ref	Topic	Shared position	Application Ref
CC.LLFA.4	Design in relation to flood risk	<p>It is agreed that the principles of a landscape-led strategy that maintains existing greenfield runoff characteristics as set out in the FRA and ODS can be supported subject to the detailed design conforming to the DPD and commitments of the ODS and the final Drainage Strategy (DS) being sufficiently comprehensive and including appropriate supporting evidence.</p> <p>It is agreed that the principles of the ODS are appropriate for the Proposed Development subject to the details to be provided in the final DS submitted to discharge a DCO Requirement. It is appropriate that no part of the Proposed Development may commence until a DS which has been subject to LLFA consultation and approved by the Council for that part, with development thereafter to be undertaken in accordance with what is approved.</p> <p>The LLFA have previously recommended consideration of swales. Temporary or permanent infiltration swales may be provided in targeted locations depending on the final layout. Details of the use of temporary swales or other surface water mitigation measures such as the use of silt fencing are set out in the OCEMP. Details of any permanent swales will be provided in the DS.</p> <p>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 controls to manage flood risk.</p>	<p>Appx 2.4 FRA [APP-099 – 101] DPD [APP-028] Works Plans [APP-007] Fig. 7.6 LSP [APP-088] Appx 7.7 OLEMP [APP-145] Appx 5.1 OCEMP [APP-108] dDCO [APP-012]</p>
CC.LLFA.5	Targeted drainage strategy for impermeable surfaces.	<p>It is anticipated to be agreed in principle that the 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 need to be subject to LLFA consultation and approved by the Council.</p>	<p>Appx 2.4 FRA [APP-099 – 101] DPD [APP-028]</p>
CC.LLFA.6	Applicant's proposed approach to flood risk management and monitoring	<p>It is agreed that monitoring of flood risk conditions and ground conditions associated with weather events that may affect the timing or methods of working on Site are embedded in control documents governing each phase of the Proposed Development's operational life. These are principally contained within the OCEMP, OOMP, and FDMP, although supporting measures will also be provided via the ODS, OSMP, and OLEMP.</p>	<p>Appx 5.1 OCEMP [APP-108] Appx 3.1 OOMP [APP-107] Appx 2.4 FRA [APP-099 – 101] Appx 7.7 OLEMP [APP-145] Appx 5.4 FDMP [APP-111]</p>

Ref	Topic	Shared position	Application Ref
		It is agreed that the management plans are a suitable way to provide the means by which to monitor and manage flood risk conditions on the Site subject to the LLFA's review of the final versions provided to discharge the associated DCO Requirements.	
CC.LLFA.7	Applicant's approach to minimising impacts from watercourse crossings.	<p>It is agreed that the OCEMP provides a sufficient commitment that no works with the potential to affect an ordinary watercourse will be undertaken before the LLFA either issues OWC or confirms that no OWC is required for the proposed works/use.</p> <p>It is understood that the LLFA would require plans and a method statement relating to the use of or works to each final crossing location. Method statements for the temporary works would be agreed with the Council (as LLFA) as part of the Section 23(1) of the Land Drainage Act 1991 (as amended by the Flood and Water Management Act 2010), Ordinary Watercourse Consenting (OWC) process and in line with the Council's guidance.</p> <p>Based on this submission, the LLFA may determine that some uses and works will not require consent and can be undertaken without a permit, whereas others will require further scrutiny and formal OWC before they are commenced. For works where OWC is required, all works will comply with the method statements provided as part of the OWC application, and the PC will also comply with any monitoring requirements/requests the LLFA might have in relation to OWC.</p> <p>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.</p>	<p>Appx 5.1 OCEMP (section 12.3) [APP-108]</p> <p>Works Plans [APP-007]</p>
CC.LLFA.8	Enhancements of watercourse and wetland habitats on Site	<p>It is agreed that 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.</p> <p>There is 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.</p> <p>It is agreed that the OLEMP secures the management and monitoring of the planting and</p>	<p>Appx 2.3 WFD Assessment [APP-098]</p> <p>Appx 7.7 OLEMP [APP-145]</p> <p>Appx 7.7 OLEMP [APP-145]</p> <p>Appx 7.7 OLEMP [APP-145] (see Appx A - OGMP)</p> <p>Fig. 7.6 LSP [APP-088]</p> <p>Ch.8 Biodiversity [APP-038]</p> <p>Appx 8.8 BNG Report [APP-</p>

Ref	Topic	Shared position	Application Ref
		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.	157 Appx 5.4 FDMP [APP-111] Pre-Application Land and Rights Negotiations Tracker [APP-017]
CC.LLFA.9	Applicant's approach to the Water Framework Directive Assessment	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.	Appx 2.3 WFD Assessment [APP-098] Ch2 EIA Methodology [APP-033] Appx 2.4 FRA [APP-099 – 101] Ch8 Biodiversity [APP-038] Appx 7.7 OLEMP [APP-145] Appx 5.1 OCEMP [APP-108] Appx 5.4 OSMP [APP-111]
CC.LLFA.10	Assessment and mitigation of water quality impacts	It is set out in the WFD Assessment the Proposed Development will not result in any change away from baseline conditions for the overall WFD water bodies and will not result in deterioration of any WFD water bodies and no additional mitigation measures are required beyond those detailed in the OCEMP, OSMP, OLEMP (and OGMP), and FRA and ODS. Detailed final versions of these, which are substantially in accordance with the application outline versions of those documents, are secured by DCO Requirements. It is agreed that subject to the final design and detailed control documents there will be no significant impact on WFD water bodies and there may be position for positive impact to water quality.	Appx 2.3 WFD Assessment [APP-098] Appx 5.1 OCEMP [APP-108] Appx 7.7 OLEMP [APP-145] Appx 5.4 OSMP [APP-111]
Cultural Heritage- (Archaeology)			
CC.AH.1	ES Chapter 6 - Cultural Heritage Methodology (Archaeology)	It is agreed that the assessment of the physical impact upon archaeological assets within ES Chapter 6 and Appendix 6.1 HEDBA has been done to an appropriate methodology and the chapter and Appendix 6.1 has identified and assessed the relevant archaeological assets.	Ch6 Cultural Heritage [REP2-027][APP-037] Appx 6.1 HEDBA [APP-112 – 115]
CC.AH.42	Assessment and	It is agreed that no significant effects are anticipated for the construction, operation, or	Ch6 Cultural Heritage [REP2-027][APP-037]

Ref	Topic	Shared position	Application Ref
	conclusions as to effects on potential below ground heritage receptors (archaeological remains)	decommissioning of the Proposed Development on potential below ground remains. The surveys (desk-based assessment, walkover survey & geophysical survey) undertaken to date are sufficient in their scope to indicate that it is very unlikely the scheme will have significant effects on non-designated archaeological assets.	Appx 6.1 HEDBA [APP-112 – 115] Appx 6.2 Geophysical Survey Report [APP-116]
CC.AH.3	The potential for archaeological remains on the Proposed Development Site	<p>It is agreed that the assessment of the HEDBA, which is reinforced by the findings of the geophysical survey, support a judgement that the probability of significant archaeological remains across the Site is low, not least due to the extensive history of open cast mining and other development across large areas of the Site.</p> <p>It is also agreed that despite this, further investigation is required in the form of additional fieldwork, including trial trenching, to inform a fuller understanding of the Site's archaeological baseline.</p> <p>The Archaeology Management Strategy (AMS), which includes an outline Written Scheme of Investigation (WSI), has been agreed with the Council's archaeologist. The AMS provides an appropriate foundation for fieldwork to be undertaken in advance of construction on the Site, and sets out pathways to secure any further mitigation (exclusion, design alternatives, working methods, and a watching brief to be implemented during construction) depending on fieldwork outcomes.</p> <p>The AMS has been produced by a CiFA accredited archaeological consultant in collaboration with the Council's archaeologist in accordance with industry standards and includes commitments to recording and reporting in accordance with best practice.</p> <p>As per the comments from the Archaeological Advisor, Chapter 6 – Cultural Heritage has been updated to refer to archaeological, strip, map, and sample as mitigation options. Therefore, this matter is agreed.</p>	Ch6 Cultural Heritage [REP2-027] Appx 6.1 HEDBA [APP-112 – 115] Appx 6.2 - Geophysical Survey Report [APP-116] Appx 6.3 AMS [APP-117] Appx 5.1 CEMP [APP-108]
CC.AH.64	Approach to archaeological assessment and	It is agreed that the scope of investigations outlined in the AMS align with the advice previously provided by the Council's Archaeologist and that any mitigation requirements identified through investigation could be implemented through the detailed design or	Ch6 Cultural Heritage [REP2-027][APP-037] Appx 6.3 AMS [APP-117] Appx 6.2 Geophysical Survey

Ref	Topic	Shared position	Application Ref
	mitigation	<p>through additional measures required by the Council Archaeologist such as a Watching Brief for certain types of works and / or in certain parts of the Site. Implementation of the AMS would mean the Proposed Development can be delivered without harm to underground heritage assets.</p> <p>Following comments from the Archaeological Advisor, Chapter 6 of the ES has been amended to refer to archaeological strip, map, and sample as mitigation options. The dSoCG will be updated to reflect this position once the Council has reviewed the updated chapter submitted at Deadline 2.</p>	Report [APP-116]
CC.AH.75	The potential for positive effects on archaeology	It is agreed that there is the potential for archaeological assets investigated and recorded through the implementation of the proposed archaeological fieldwork secured by a DCO Requirement, and the publication of outcomes, to contribute to archaeological regional research frameworks and the local Historic Environment Record (HER) and so provide a benefit.	Ch6 Cultural Heritage [REP2-027] [APP-037] Appx 6.3 AMS [APP-117]
CC.AH.86	The potential for positive effects on heritage assets	The Council supports the introduction of permissive paths in the vicinity of the Stone Circle to provide appropriate access to view the Scheduled Monument. The introduction of appropriate access to view the scheduled monument is supported.	Ch6 Cultural Heritage [REP2-027] [APP-037] Fig. 7.6 LSP [REP2-046] [APP-088] Appx 7.7 OLEMP [APP-145]
Cultural Heritage (Built Heritage)			
CC.HE.1	ES Chapter 6 – Cultural Heritage Methodology (Cultural Heritage)	It is agreed that ES Chapter 6 Cultural Heritage and the HEDBA reflects appropriate methodology and qualified analysis undertaken by a CiFA accredited expert, uses an appropriate study area, uses the correct data which accounts for the HER, and identifies and assesses all relevant assets, including the Large Irregular Stone Circle and Round Cairn Scheduled Monument (NHLE: 1014588) and Wythemoor Sough and Adjoining Barn and Stables listed assets (NHLE: 1327185), and the English Lake District World Heritage Site (WHS) (NHLE: 14526155). This has been agreed with Historic England (HE), as per the dSoCG with HE [REP2-015] .	Ch6 Cultural Heritage [REP2-027] Appx 6.1 HEDBA [REP2-030]
CC.HE.2	Assessment and	ES Chapter 6 Cultural Heritage concludes that the residual construction phase impacts	Ch6 - Cultural Heritage [REP2-

Ref	Topic	Shared position	Application Ref
	<u>conclusions as to effects on above-ground designated heritage assets (construction and decommissioning)</u>	<p>on the Stone Circle and Cairn and Wythemoor Sough and Adjoining Barn and Stables would be moderate adverse and significant. Effects to the English Lake District WHS were assessed to be minor adverse and non-significant. Overall, this will amount to less than substantial harm to the designated heritage assets. It is agreed that the implementation of construction management measures are proposed within the OCEMP and OCTMP provide suitable mitigation to limit the impacts of construction activities and traffic on above-ground heritage assets.</p> <p>Decommissioning effects to these designated assets would be minor adverse, short term, and non-significant following additional mitigation to be implemented through a Decommissioning Management Plan (DMP) and would amount to less than substantial harm. It is agreed that the FDMP provides a suitable framework for the appropriate mitigation measures to be implemented at the decommissioning phases.</p>	<p>0271</p> <p>Ch7 - Landscape and Visual [REP2-032]</p> <p>Appx 5.1 OCEMP [APP-108]</p> <p>Appx 5.2 OCTMP [APP-109]</p>
<u>CC.HE.3</u>	<u>Assessment and conclusions as to effects on above-ground designated heritage assets (operational)</u>	<p>The Proposed Development has the potential for a moderate adverse and significant effect to the Stone Circle and Cairn, and Wythemoor Sough and Adjoining Barn and Stables (Ref: 1327185) during the operational phase. There would be a minor adverse and non-significant effect to the English Lake District WHS.</p> <p>It is agreed that the exclusion of development from more elevated areas affecting the Stone Circle and Round Cairn, long distance views from the English Lake District WHS, and further setback from Grade II Listed Wythemoor Sough and adjoining barn and stable, coupled with the mitigation / enhancement planting provided by the LSP and OLEMP, mean that there will be less than substantial harm to these designated heritage assets. For the WHS, the conclusion of less than substantial harm have been discussed and agreed with the LDNPA.</p>	<p>Ch6 Cultural Heritage [REP2-0271]</p> <p>Ch7 Landscape [REP2-032]</p> <p>Fig. 7.6 LSP [REP2-046]</p> <p>Appx 7.7 OLEMP [APP-145]</p>
Ground Conditions / Minerals			
CC.MW.1	Impact on mineral safeguarding areas for Brick Clay	It is agreed that the impact on mineral resources has been appropriately considered within the application. With regards to Brick Clay, there is limited demand to commercially exploit these resources in Cumbria and other strategic areas for extraction have been identified which sufficiently addresses demand.	<p>PS [AS-010]</p> <p>Ch2 EIA Methodology [APP-033]</p> <p>Ch10 Ground Conditions [APP-</p>

Ref	Topic	Shared position	Application Ref
		In addition, the Proposed Development would not involve any loss of the resource, and would not permanently sterilise the resource, in the event there were a future need to extract this resource within the Site after decommissioning.	041] (see Table 10.1) Appx 10.1 GCA [APP-169 – 170] (see table 5.2)
CC.MW.2	Impact on mineral safeguarding areas for sand and gravel	It is agreed that for the small part of the Proposed Development that is within the MSA for sand and gravel, prior extraction does not need to be considered as this area is confined to only the area of the existing public highway.	PS [AS-010] Ch2 EIA Methodology [APP-033] Ch10 Ground Conditions [APP-041] (see Table 10.1) Appx 10.1 GCA [APP-169 – 170] (see table 5.2)
CC.MW.3	Surface coal resource	It is agreed that while the Proposed Development is in a 'Surface Coal Resource - Mining Operations' Area, this is not a safeguarding issue and the Proposed Development would not sterilise the coal resource.	Ch10 - Ground Conditions [APP-041] (see Table 10.1) Appx 10.1 GCA [APP-169 – 170]
CC.MW.4	Historic coal mining activities	It is agreed that the <u>Mining Remediation Authority (MRA)</u> is satisfied with the Applicant's approach to addressing the risks associated with historic coal mining activities within the Proposed Development. <u>This is set out with the dSoCG with the MRA [REP2-017].</u> The Minerals and Waste Planning Team agree that this is a matter for the <u>Mining Remediation Authority</u> .	Ch10 Ground Conditions [APP-041] Appx 10.2 CMHA [APP-171] Appx 5.1 OCEMP [APP-108] Appx 3.1 OOMP [APP-107] dDCO [APP-012]
CC.MW.5	Approach to coal mine entry hazards	This position is covered within the <u>Mining Remediation Authority (MRA)</u> dSoCG. The Minerals and Waste Planning Team agree that this is a matter for the MRA.	Ch10 Ground Conditions [APP-041] Appx 10.2 CMHA [APP-171] Appx 5.1 OCEMP [APP-108] Appx 3.1 OOMP [APP-107] dDCO [REP2-004] APP-012]
CC.MW.6	Approach to post-consent ground investigation and	This position is covered within the <u>Mining Remediation Authority (MRA)</u> dSoCG. The Minerals and Waste Planning Team agree that this is a matter for the MRA.	Ch10 Ground conditions [APP-041] Appx 10.1 GCA [APP-169 –

Ref	Topic	Shared position	Application Ref
	mitigation		170] Appx 5.1 OCEMP [APP-108] dDCO [REP2-004][APP-012]
CC.MW.7	Approach to coal mine entry hazards	This position is covered within the Mining Remediation Authority (MRA) dSoCG. The Minerals and Waste Planning Team agree that this is a matter for the MRA.	Ch10 Ground Conditions [APP-041] Appx 10.2 CMHA [APP-171] Appx 5.1 OCEMP [APP-108] Appx 3.1 OOMP [APP-107] dDCO [REP2-004][APP-012]
CC.MW.8	Approach to coal mine entry buffers	This position is covered within the Mining Remediation Authority (MRA) dSoCG. The Minerals and Waste Planning Team agree that this is a matter for the MRA.	Ch10 Ground Conditions [APP-041] Appx 10.2 - CMHA [APP-171] Appx 5.1 OCEMP [APP-108] dDCO [REP2-004][APP-012]
CC.MW.9	Approach to mine gas risk	This position is covered within the Mining Remediation Authority (MRA) dSoCG. The Minerals and Waste Planning Team agree that this is a matter for the MRA.	Ch10 Ground Conditions [APP-041] Appx 10.2 CMHA [APP-171] Appx 10.1 GCA [APP-169 – 170] Appx 5.1 OCEMP [APP-108]
<u>Landscape and Visual</u>			
CC.L.1	Landscape and Visual baseline site characteristics	It is agreed that that ES Chapter 7 - Landscape and Visual is based on accurate baseline data and local landscape planning context, including the relevant landscape character assessments produced by the Council, as well as an appropriate landscape and visual survey during winter and late summer. While Galpin Landscape Architecture, on behalf of the Council, have suggested that additional ZTVs to show the visibility of Areas A, B, and C could be beneficial, it is agreed that the ZTVs provided are robust and sufficient for the purposes of ES Chapter 7, and are representative of the worst-case scenario of the theoretical visibility of the Proposed	Ch7 Landscape and Visual [REP2-032]

Ref	Topic	Shared position	Application Ref
		<u>Development.</u>	
<u>CC.L.2</u>	<u>Selection of view locations (VLs)</u>	<p><u>It is agreed that ES Chapter 7 and associated appendices is based on representative View Locations (VLs), as informed by engagement and agreement with the Council and the LDNPA.</u></p> <p><u>Whilst the Council's landscape consultee adopts an alternative professional judgement and considers that the selection of VL2b and VL3c are not representative of the worst-case views, it is agreed that the provision of additional or alternative VL's would not change the overall conclusions or effects reported within ES Chapter 7. Therefore, the VLs provided present a reasonable overview of views from nearby routes with similar proximity to the Site. Further discussion of this topic is set out within the ARLIR (see 11.6 of Table 2.8).</u></p> <p><u>It is agreed, that, whilst the Council consider that the photography from some of the VLs is unclear, it is evident that reasonable steps were taken in accordance with guidance (LI TGN 06/19) to collect baseline photography, and that the photography submitted is sufficiently robust and suitable to inform the assessment and the application.</u></p>	<p><u>Ch7 Landscape [REP2-032]</u></p> <p><u>Appx 7.5 View Location Photosheets [REP2-038] to [REP2-045]</u></p> <p><u>LIR [REP2-058]</u></p> <p><u>ARLIR [D3.7]</u></p>
<u>CC.L.3</u>	<u>Selection of cumulative viewpoints</u>	<p><u>It is agreed that the assessment of cumulative landscape and visual effects within ES Chapter 7 is based on representative viewpoints which provide a suitable geographical and demographical spread, as informed by engagement and agreement with the Council and the LDNPA.</u></p>	<p><u>Ch7 Landscape [REP2-032]</u></p> <p><u>Appx 7.5 View Location Photosheets [REP2-038] to [REP2-045]</u></p> <p><u>Appx 7.4 Cumulative Assessment [D3.8]</u></p>
<u>CC.L.4</u>	<u>Landscape and Visual Assessment methodology</u>	<p><u>It is agreed that the scope and methodology of the landscape assessment has been undertaken in accordance with Guidelines for Landscape and Visual Impact Assessment (GLVIA), 3rd Edition (2013) and various technical guidance notes and was undertaken by a competent specialist.</u></p> <p><u>It is agreed that an appropriate 2.5km study area has been used and that the appropriate receptors have been assessed, including the LDNP / WHS given its high sensitivity and importance.</u></p>	<p><u>Ch7 Landscape [REP2-032]</u></p> <p><u>Appx 7.1 Landscape and Visual Methodology [REP2-034]</u></p>

Ref	Topic	Shared position	Application Ref
		<u>It is agreed that the assessment of landscape character areas is appropriate.</u>	
<u>CC.L.5</u>	<u>Embedded mitigation and landscape strategy</u>	<p><u>It is agreed that the embedded mitigation proposed and secured by the Works Plans and the Design Parameters Document, alongside the indicative Landscape Strategy Plan (LSP) and OLEMP, will ensure that the Proposed Development is sensitive to the surrounding landscape and visual receptors.</u></p> <p><u>The siting arrangements of development within the Site (including the Work Areas shown on the Works Plans) have been predominantly influenced by landscape considerations, as described within the Design Approach Document. For example, Work No. 2 infrastructure is sited in a well-contained area to minimise both landscape and noise impact assessment.</u></p> <p><u>The Council have recommended additional planting of woodland and/or hedgerow trees along the west of Branthwaite Edge Road. 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 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.</u></p> <p><u>It is agreed that the Council will review the detail in relation to landscape and ecological interests when a detailed design (layout) and planting specifications are available and submitted for the Council's approval as DCO Requirements. Further discussion between the Applicant and the Council on this matter is recorded with-in the ARLIR (see 11.11 of Table 2.8).</u></p>	<p><u>Works Plans [APP-007]</u></p> <p><u>DPD [APP-028]</u></p> <p><u>DAD [APP-029]</u></p> <p><u>Fig. 7.6 LSP [REP2-046]</u></p> <p><u>Appx 7.7 OLEMP [APP-145]</u></p> <p><u>Ch7 Landscape [REP2-032]</u></p>
<u>CC.L.6</u>	<u>Landscape and Visual Mitigation Measures (construction and decommissioning)</u>	<p><u>It is agreed that standard best practice construction and decommissioning measures established by the application's control documents which are secured by DCO Requirements will provide the appropriate controls to limit potential impacts on landscape and visual receptors, comprising: loss of openness and alterations to the existing appearance of the Site; introduction of new temporary elements; effects from construction activities such as traffic and plant and machinery noise; and the compounding impact of these effects alongside the emergence of new built forms associated with the generating</u></p>	<p><u>OCEMP [APP-108]</u></p> <p><u>OCTMP [APP-109]</u></p> <p><u>OSMP [APP-110]</u></p>

Ref	Topic	Shared position	Application Ref
		<p><u>station but without the benefit of the established landscape measures which will be in effect for visual screening.</u></p> <p><u>Relevant control documents that will mitigate landscape and visual effects include the OCEMP, OSMP, and OCTMP for construction, and FDMP for decommissioning.</u></p>	
<u>CC.L.7</u>	<u>Landscape and visual mitigation measures (operation)</u>	<p><u>The LSP proposes landscape measures and planting including the retention of boundary vegetation, reinforcement of field boundaries, and proposed native structural planting to provide visual screening and break up the extent of the Proposed Development.</u></p> <p><u>Proposed enhancements include additional scrub and woodland planting and marginal planting, and repair and maintenance of the existing dry stone walls.</u></p> <p><u>This landscape strategy has been prepared with regards to advice from the LDNPA to break up long distance views through landscape screening.</u></p> <p><u>DCO Requirement 6 secures the production of a Landscape Ecology Plan (LEP) which is to be substantially in accordance with the LSP, which will be implemented in accordance with the Requirement 7 LEMP (to be substantially in accordance with the OLEMP).</u></p> <p><u>The mitigation measures would establish, and the significance of effects would reduce on landscape character and features, and on visual amenity, whilst offering long-term beneficial effects through new planting and green infrastructure enhancement.</u></p> <p><u>It is agreed that, whilst the Council consider it would be beneficial to have further detail on planting heights / mixes, and a review of the species proposed, the Council are satisfied that the locations of the proposed measures established by the LSP will provide effectively targeted visual screening of the Proposed Development. It has been agreed that the OLEMP provides an appropriate framework for the provision of the required details in the final LEP and LEMP, and the Council would be able to scrutinise the detailed measures as part of the discharge of DCO Requirements post-consent. It is understood that the Council will expect the Applicant's future submissions to have regard for the feedback provided by the Council on this topic. Further discussion between the Applicant and the Council on this matter is recorded within the ARLIR (see 11.11 of Table 2.8).</u></p>	<p><u>Ch7 Landscape [REP2-032]</u></p> <p><u>Works Plans [APP-007]</u></p> <p><u>Fig. 7.5 LSP [REP2-046]</u></p> <p><u>Appx 7.7 OLEMP [APP-145]</u></p> <p><u>LIR [REP2-058]</u></p> <p><u>ARLIR [D3.7]</u></p>

Ref	Topic	Shared position	Application Ref
CC.L.8	Residual landscape effects (construction and decommissioning)	<p>ES Chapter 7 concludes that significant adverse effects on the landscape during construction were assessed for the landscape character of the Site and for LCT 9a: Open Moorlands only. The remaining landscape receptors, including the WHS and the Special Qualities of the LDNP would not experience significant effects. During the decommissioning phase, effects are predicted to be similar to those experienced during the construction phase, albeit in reverse.</p> <p>It is agreed that the assessment of residual landscape effects during the construction and decommissioning phases are accurate.</p>	<p>Ch7 Landscape [REP2-032] Appx 7.2 Schedule of Landscape Effects [APP-120]</p>
CC.L.9	Residual visual effects (construction and decommissioning)	<p>ES Chapter 7 concludes that significant adverse visual effects during construction are largely focussed on VLs either in close proximity to the Site for highly sensitive receptors, or for very highly sensitive receptors from within the LDNP.</p> <p>Visually, effects during decommissioning will also be like those experienced during construction, however the majority will be reduced in severity because of screening afforded by successful establishment of green infrastructure enhancement measures.</p> <p>It is agreed that, while there may be differences in professional judgement over the level of effect, the assessment of residual visual effects during the construction and decommissioning phases are accurate. Further discussion, including regarding these differences, are described within the ARLIR (see 11.16, 11.20, and 11.24 of Table 2.8).</p>	<p>Appx 7.3 Schedule of Visual Effects [REP2-036] Ch7 Landscape [REP2-032] ARLIR [D3.7]</p>
CC.L.10	Residual landscape effects (operational)	<p>At operation Year 15, once the landscape planting has matured, no significant adverse effects are predicted for any landscape receptors, including the LDNP WHS.</p> <p>There are beneficial landscape effects predicted, largely as a result of the green infrastructure enhancements including new and improved planting (trees, woodland, hedgerows) within the Site which would all benefit from enhanced landscape structure, new and improved habitats and improved ecological connectivity. It is agreed that the assessment of residual landscape effects during the operational phase are accurate. Further discussion between the Applicant and the Council on this matter is recorded within the ARLIR.</p>	<p>Appx 7.2 Schedule of Landscape Effects [APP-120] Ch7 Landscape [REP2-032] ARLIR [D3.7]</p>

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CC.L.11	Residual visual effects (operational)	<p>Significant adverse effects remain in place for five visual receptors, namely VL6a / 6b, VL7, VL9, VL13, and VL14 which are representative of residential receptors at or near the Site boundary, and views from the LDNP.</p> <p>It is agreed that the assessment of residual visual effects during the operational phase is accurate.</p>	<p>Appx 7.3 Schedule of Visual Effects [REP2-037]</p> <p>Ch7 Landscape [REP2-032]</p>
CC.L.12	Residual cumulative effects	<p>With regards to the overall combined cumulative effects (i.e. potential effects of all developments considered as a whole), the cumulative assessment found that for LCT Sub-type 5a Ridge and Valley there would be short-term moderate adverse and significant effects during construction, and long-term moderate adverse and significant effects during operation.</p> <p>From a visual perspective, only road users along Branthwaite Road are predicted to experience significant cumulative effects during both construction and operational phases as they would pass all three developments on their journey in either direction. For the construction phase, significant adverse effects were also found for visual receptors at View Location Cumulative (VLC) 1, VLC3, VLC4, and VLC5, with only VLC3 reducing to not significant during the operational phase.</p> <p>It is agreed that the assessment of cumulative landscape and visual effects is accurate.</p>	<p>Ch7 Landscape [REP2-032]</p> <p>Appx 7.4 Cumulative Assessment [D3.8]</p>
CC.L.13	Inter relationship between landscape and cultural heritage	<p>The potential effects of the Proposed Development on the landscape setting of heritage assets overlaps across ES chapter 6 - Cultural Heritage and ES Chapter 7 - Landscape and Visual. To avoid double counting receptors, the assessment on the setting of heritage assets is included within ES Chapter 6 and cross-referred to within Chapter 7.</p> <p>Whilst the professional judgement of the Council's landscape expert considers that this interrelationship could be made clearer within ES Chapter 7, it is agreed that the potential effects of the Proposed Development on the landscape setting of the heritage assets has been satisfactorily reported in Chapter 6, and the Council is prepared to accept the position of the LDNPA in relation to the WHS and of Historic England on designated heritage assets which have agreed with the application's findings of less than substantial harm' (See the relevant dSoCG with these parties).</p>	<p>Ch7 Landscape [REP2-032]</p> <p>Ch6 Cultural Heritage [REP2-027]</p> <p>LDNPA SoCG [REP2-016]</p> <p>HE SoCG [REP2-015]</p>

Ref	Topic	Shared position	Application Ref
Ecology / Biodiversity			
<u>CC.EC.1</u>	<u>Baseline data and survey reports</u>	<p><u>It is agreed that the application's ES Chapter 8 - Biodiversity is effectively supported by a range of survey reports which reflect surveys that have been conducted by appropriately qualified ecologists, and with reporting that has been prepared against the appropriate guidelines and methodologies, and, where necessary, reflect a scope that has been agreed with Natural England (NE).</u></p> <p><u>It is agreed that the Applicant has satisfactorily demonstrated to the Council the credentials of the surveyors, compliance with CIEEM 2019 guidance regarding the validity of survey results for this application, and the surveys' compliance with relevant guidance and/or appropriate justification for reasonable deviations.</u></p>	<p><u>Ch8 Biodiversity [REP2-053]</u></p> <p><u>Appx 8.1 PEA & GCN Report [APP-150]</u></p> <p><u>Appx 8.2 NVC Survey [APP-151]</u></p> <p><u>Appx 8.3 Bat Survey Report [APP-152]</u></p> <p><u>Appx 8.4 Otter & Water Vole Survey Report [APP-153]</u></p> <p><u>Appx 8.5 Breeding Bird Survey Report [APP-154]</u></p> <p><u>Appx 8.6 Wintering Bird & Hen Harrier Survey Report [APP-155]</u></p> <p><u>NE Relevant Representation [RR-009]</u></p> <p><u>NE dSOCG [D3.16]</u></p>
<u>CC.EC.2</u>	<u>Future ecological surveys (pre-construction, construction and decommissioning)</u>	<p><u>The Applicant's approach to post-consent updating of surveys is secured through the OCEMP. As a minimum it would include an update to the Preliminary Ecological Assessment (PEA) and an arboricultural survey to verify the Tree Constraints Plan (TCP). The updated PEA would inform the need for updated phase 2 species-specific surveys, and the Risk Avoidance Method Statements (RAMS) and Species Protection Plans (SPPs) that will be in the final CEMP. While specific protected species surveys are not mandated by the OCEMP, it is required that these be taken forward where necessary and that protected species licenses will be secured for prior to any works that represent licensable activities.</u></p> <p><u>The OCEMP also secures a commitment to updating surveys for highly mobile species (e.g. badger) between CEMP production and the start of construction works if needed, and the use of an Ecological Clerk of Works (ECoW) during construction to provide any</u></p>	<p><u>Ch8 Biodiversity [REP2-053]</u></p> <p><u>OCEMP [APP-108]</u></p> <p><u>OLEMP [APP-145]</u></p> <p><u>FDMP [APP-111]</u></p>

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		<p><u>targeted surveys that must be done to comply with SPP measures. It is agreed that the PEA to be undertaken pre-construction will appraise habitats using UKHab methodology and condition assessments to update the baseline and inform BNG commitments to be taken forward by the OLEMP.</u></p> <p><u>The CEMP will be substantially in accordance with the OCEMP and will be subject to the Council's approval following pre-application engagement with at least Natural England and the Environment Agency.</u></p> <p><u>It is agreed that the Applicant's approach to pre-construction and in-construction surveys established by the OCEMP is a suitable foundation for the final CEMP subject to the Council's review of that document. The operational phase will benefit from ongoing monitoring and surveys and will bring forward any relevant OCEMP measures (SPP/RAMS) where required, (see CC.EC.3). This will inform the measures of the DMP suite which will reflect an up to date understanding of the Site derived from species and habitat surveys carried out during the operation phase to secure decommissioning protection of habitats and species similar to the CEMP for construction. It is agreed that the FDMP provides a suitable framework to provide a habitat baseline for decommissioning phase protections of ecological interests.</u></p>	
CC.EC.3	Site monitoring and surveys (operations)	<p><u>During the operational phase the OLEMP, at section 6, secures the ongoing management and monitoring of habitats and species, which will include at least annual monitoring reports to be made available to the Council on request.</u></p> <p><u>The ongoing monitoring will inform the baseline of the LEMP which will be updated every five years to assess the progress towards desired habitat conditions established by the updated BNG metric.</u></p> <p><u>The OOMP and OLEMP also commit to bringing forward any relevant CEMP (e.g. SPP/ measures into operations for any maintenance works with potential for effects similar to those in construction, including the use of ECoW supervision where necessary.</u></p> <p><u>It is agreed that the ongoing monitoring set out in the OLEMP provides appropriate</u></p>	<p><u>Ch7 Landscape [REP2-032]</u></p> <p><u>Appx 5.1 OCEMP [APP-108]</u></p> <p><u>Appx 7.7 OLEMP [APP-145]</u></p> <p><u>Appx 3.1 OOMP [APP-107]</u></p>

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		<u>monitoring to secure the interests of habitats and species on Site and that the regular monitoring reports and LEMP updates to be approved by the Council can ensure secured delivery of BNG commitments.</u>	
<u>CC.EC.4</u>	<u>Shadow Habitat Regulation Assessment (sHRA)</u>	<p><u>It is agreed that the Applicant's sHRA has been appropriately informed by engagement with NE on the methodology, scope of assessment, and conclusions of the SHRA.</u></p> <p><u>The SHRA considers the potential for the Proposed Development to have Likely Significant Effects (LSE) on five European sites within a zone of influence and outlines the mitigation measures which will be implemented to avoid LSE. The River Derwent and Bassenthwaite Lake SAC and Solway Firth SPA were taken through the Screening Assessment and on to the Appropriate Assessment Stage.</u></p> <p><u>While the Council's comments within the LIR sought additional reassurances as to the inclusion of Morecambe Bay and Duddon Estuary SPA, it is recognised that the 10km study area was agreed with NE, who are satisfied that the 10km zone of influence (Zol) 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. The sHRA has also appropriately accounted for in-combination impacts associated with the withdrawn Lostrigg Solar scheme on the Site's northern boundary.</u></p> <p><u>Following discussions with the Applicant and a review of NE feedback on the sHRA the Council is satisfied that the sHRA is sound and it is agreed that the Council will adopt the position of NE with regard to LSE on European Sites.</u></p>	<p><u>Appx 8.7 sHRA [APP-156]</u></p> <p><u>Appx 5.1 OCEMP [APP-108]</u></p> <p><u>Appx 7.7 OLEMP [APP-145]</u></p> <p><u>Appx 3.1 OOMP [APP-107]</u></p> <p><u>Appx 5.4 FDMP [APP-111]</u></p>
<u>CC.EC.5</u>	<u>Ecological enhancements, exclusion areas, and habitat corridors</u>	<p><u>It is acknowledged that the Works Plans include significant areas dedicated solely to Work No. 6 – Green Infrastructure (90.59ha, or 32.8% of the 276.5ha Site). This includes minimum 8m buffers to watercourses in accordance with LLFA and EA expectations, and a 15m buffer to the replanted ancient woodland west of Area C in accordance with NE requirements. It is also noted that the Arboricultural Management Strategy in the OCEMP (section 6) commits to the avoidance of development in root protection areas (RPA) of trees and hedgerows with protection barriers and exclusion signage: to BS 5837:2012 or other agreed approach if required. Exclusion areas and/or additional protection measures</u></p>	<p><u>Works Plans [APP-007]</u></p> <p><u>OCEMP [APP-108]</u></p> <p><u>DPD [APP-028]</u></p> <p><u>Appx 7.7 OLEMP [REP2-046]</u></p> <p><u>Fig. 7.6 LSP [REP2-046]</u></p> <p><u>Ch3 Site and Proposed Development [APP-034]</u></p>

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		<p>are also provided for peat deposits (OCEMP section 11.3) and the Dean Moor CWS (see OCEMP 5.5.6 – 5.5.9 on 'Exclusion Areas').</p> <p><u>Exclusion zones and/or additional RAMS and supervision in areas that would otherwise be subject to exclusion is recognised as an important means by which to enable the Applicant to establish green networks across the Site at construction outset and preserve valuable habitats, for example hedgerow protection will benefit foraging and commuting bats and nesting birds. It is agreed that the combination of the Works Plans, DPD, and construction phase management plans include appropriate measures to protect habitats that will be subject to enhancement via the LEP and LEMP subject to the Council's review of the final CEMP.</u></p> <p><u>It is agreed that the LSP and OLEMP provide a suitable foundation for habitat and biodiversity improvements to the Site, including retaining and enhancing sensitive habitats such as hedgerows, woodland, and watercourses, the creation of species-rich grassland, and buffers between infrastructure and sensitive habitats such as peat and watercourses, a relaxation of grazing across the Site, as well as the restoration of habitats within Dean Moor CWS.</u></p> <p><u>Enhancement will be achieved through the provision of new habitats and sympathetic vegetation management across the Site, supported by ongoing monitoring to achieve BNG outcomes. It is agreed that this can be achieved based on what is established by the LSP and OLEMP, with the final versions of these to be based on a detailed design that is informed by the results of existing and future ecological assessments including the PEA which will appraise habitats using UKHab methodology and condition assessments to update the baseline and inform BNG commitments to be taken forward by the OLEMP.</u></p> <p><u>It is agreed with the Council that the proposals to enhance the Site, in particular the area which falls within Dean Moor County Wildlife Site (CWS), and to include woodlands, hedgerows, grasslands, watercourses and riparian corridors will benefit biodiversity. This would convey benefits in turn to protected species.</u></p>	
CC.EC.6	<u>Delivery of</u>	<u>It is agreed that the Applicant's approach to adopting a conservative approach to</u>	<u>Appx 8.8 BNG Report [APP-</u>

Ref	Topic	Shared position	Application Ref
	<u>Biodiversity Net Gain (BNG)</u>	<p>securing the BNG within the OLEMP, which is secured by a DCO Requirement is supported. It is agreed that the need to undertake a BNG assessment is non-mandatory for NSIP projects but that the Applicant has sought to include such an assessment to benchmark their contribution to biodiversity and enhance the Site for both habitats and species.</p> <p>It is acknowledged that the application's BNG commitments are not those arising from the BNG Metric as reported in the BNG Report. Instead, the application commits to the minimum figures set out in the OLEMP (section 1.2). This is on the provision that the BNG metric be re-run based on an updating survey which will appraise habitats using UKHab methodology and condition assessments and account for the detailed design and final LEP to arrive at final BNG figures that will be secured by the final LEMP.</p> <p>The Council recognises that the Applicant aims to exceed the values set out in the OLEMP which present the minimum commitments for BNG. This is supported by a commitment within the OLEMP to re-calculate the BNG based on the final design and to update the LEMP to deliver the outcome of this calculation</p> <p>Notwithstanding the Council's feedback in the LIR, it is agreed that the application's BNG metric and Report does not require an update as the outcomes of the application's indicative metric are not proposed to be secured. It is agreed that for the final LEMP the Council will expect the final BNG metric take due regard of the Strategic Significance of Dean Moor County Wildlife Site and adjacent habitats, as well as allowing habitat features such as hedgerows to be more easily cross referenced between condition assessment sheets and the metric. Therefore, subject to the Council's scrutiny of the final LEP and LEMP to discharge the DCO Requirements, that Applicant's approach to BNG is agreed.</p>	<p>1571</p> <p>Appx 7.7 OLEMP [APP-145]</p> <p>Fig. 7.6 LSP [REP2-046]</p>
<u>CC.EC.7</u>	<u>Impacts to statutory designated Sites</u>	It is agreed that there would be no significant residual effects to statutory designated sites such as Sites of Special Scientific Interest (SSSIs) and Local Nature Reserves (LNRs), as concluded within ES Chapter 8 – Biodiversity.	Ch8 Biodiversity [REP2-053] sHRA [APP-156]
<u>CC.EC.8</u>	<u>Impacts to non-designated sites</u>	The need to ensure that the CWS is protected and enhancements are delivered during the operational period is agreed. In addition, it is agreed that the management plans	Ch8 Biodiversity [REP2-053] Works Plans [APP-007]

Ref	Topic	Shared position	Application Ref
	<u>(Dean Moor County Wildlife Site)</u>	<p><u>which would be in place for the construction, operational, and decommissioning phases, as secured by DCO Requirements, can provide an effective means by which to protect and enhance the CWS's ecological value.</u></p> <p><u>It is agreed that, as described in ES Chapter 8, much of the CWS is poorly functioning, and the area which falls within the Site does not include areas of purple moor grass for which it is designated, meaning the Proposed Development can be a positive opportunity for the enhancement of the CWS.</u></p> <p><u>It is agreed that while the OLEMP has identified an approach to habitat enhancement within the CWS, this is adaptive and may have to change should ground conditions and soil chemistry demonstrate some plant species do not thrive. Historic changes to land drainage and fertiliser addition have been identified as possible hurdles to desired habitat creation. It is agreed that the Applicant will seek to continually engage with Cumbria Wildlife Trust (CWT) to deliver a desirable outcome for habitats and species within the CWS in the development of the initial LEMP and through regular monitoring and LEMP updates to be approved by the Council every 5 years.</u></p>	<p><u>OCEMP [APP-108]</u></p> <p><u>Appx 7.7 OLEMP [APP-145]</u></p> <p><u>Fig. 7.6 LSP [REP2-046]</u></p>
<u>CC.EC.9</u>	<u>Protection of habitats and species during the construction phase</u>	<p><u>It is agreed that, subject to effective controls being in place for construction via the CEMP and SMP, the ecological interests of the Site, including the CWS and wildlife and habitats across the Site, can be protected from adverse effects as outlined in section 5.5 of the OCEMP.</u></p> <p><u>The preparation of a final CEMP is secured by DCO Requirement and will be submitted to the Council following pre-application consultation with NE and the EA The Council's ecologist will have an opportunity to review the final CEMP to be submitted prior to construction, which will include further details of mitigation, RAMS, and SPPs.</u></p> <p><u>See also CC.EC.2</u></p>	<p><u>Ch8 Biodiversity [REP2-053]</u></p> <p><u>Appx 5.1 OCEMP [APP-108]</u></p> <p><u>OSMP [APP-110]</u></p>
<u>CC.EC.10</u>	<u>Protection of habitats and species during the operational phase</u>	<p><u>It agreed that the management plans which would be in place for the operational phase, (OLEMP and OOMP) as secured by DCO Requirements, can provide an effective means by which to protect and enhance the Site's ecological value.</u></p> <p><u>The OLEMP provides the management measures to manage the Site for nature</u></p>	<p><u>Ch8 Biodiversity [REP2-053]</u></p> <p><u>Appx 7.7 OLEMP [APP-145]</u></p> <p><u>Appx 3.1 OOMP [APP-107]</u></p>

Ref	Topic	Shared position	Application Ref
		<p><u>conservation and biodiversity and deliver BNG commitments as well as the delivery and management of other green infrastructure features.</u></p> <p><u>The OOMP secures the good management of the Site throughout the operational period, including controls on maintenance and repair works, and monitoring / maintenance of the water environment and flood risk, while also securing the need for CEMP measures to be brought forward into the operational phase where required.</u></p> <p><u>See also CC.EC.2.</u></p>	
<u>CC.EC.11</u>	<u>Protection of habitats and species during the decommissioning phase</u>	<p><u>It is agreed that the Decommissioning Management Plan will include measures equivalent to those provided by the CEMP, as set out within the FDMP.</u></p> <p><u>The FDMP provides a suitable framework for a DMP suite which will include measures equivalent to those provided by the suite of management plans that will govern the construction phase such as the CEMP and the SMP.</u></p> <p><u>See also CC.EC.2.</u></p>	<p><u>Appx 5.4 FDMP [APP-111]</u></p> <p><u>OCEMP [APP-108]</u></p> <p><u>OSMP [APP-110]</u></p>

2.3 Matters under discussion

2.3.1 Table 2.2 below details the matters under discussion with the Council. The italicised items are quoted from the Council's comments on a previous draft of the dSoCG.

Table 2.2 Matters under discussion

Ref	Topic	Applicant Position	Cumberland Council Position	Application Ref
Planning Policy				
<u>CC.LPA.10</u>	<u>DCO Requirement s</u>	<p>It is agreed in principle, subject to the Council's review of the final wording of the dDCO, that the Applicant has sought the Council's input when drafting of the DCO Requirements and the associated outline management plans and other control documents. The Council has set out its expectations for commitments which should be addressed either within the management plans or DCO Requirements. For some topic areas the Council has detailed planning conditions the Council would normally look to apply if this were a TCPA application.</p> <p>The Applicant has explained that in the case of DCOs, the appropriate securing mechanism for such controls are the DCO Requirements, coupled with the associated management plans and control documents.</p> <p>The draft DCO Requirements require that future management plans, to be approved by the Council, be substantially in accordance with the application's outline versions submitted with the application. It is agreed that the outline management plans and the associated DCO Requirements, as drafted, secure the necessary controls</p>	<p>It is agreed that the Council will expect the Applicant to make best efforts to engage with other relevant consultees, including internally to the Council, in advance of submission as a matter of pre-application best practice.</p>	<u>dDCO [REP2-004]</u>

Ref	Topic	Applicant Position	Cumberland Council Position	Application Ref
		<p><u>and mitigation to mitigate the anticipated effects of the Proposed Development.</u></p> <p><u>The outline documents which reflect the Council's input include the following along with the security provided by the Detailed Design (Requirement 1) and Noise (Requirement 12) dDCO Requirements:</u></p> <ul style="list-style-type: none"> <u>• OCEMP (Requirement 4) (See also CC.EHO.7, 13, 14; CC.LHA.2, 8; CC.LLFA3, 4, 6, 7, 10; CC.HE.2; CC.L.6)</u> <u>• OCTMP (Requirement 5) (See also CC.LHA.2-11)</u> <u>• OSMP (Requirement 10) (See also CC.EHO.4, EHO.14, LLFA.6, LLFA.10; CC.L.6)</u> <u>• LSP (Requirement 6) (See also CC.EHO.3, 4; CC.LLFA.3, 4; CC.AH.6; CC.HE.3; CC.L.5, 7)</u> <u>• OLEMP (Requirement 7) (See also CC.EH.4, 10, 14, 15; CC.LLFA.3, 4, 6, 8, 10; CC.AH.6; CC.HE.3, L.5, 7; CC.EC.2, 3, 4, 6)</u> <u>• OOMP (Requirement 11) (See also EHO.4, 5, 9, 10, 11, 12, 14; LHA.3, 7; LLFA.6; EC3, 4, 8)</u> <u>• FDMP (Requirement 13) (See also CC.LHA.3, LHA.8)</u> <p><u>It is agreed that the Applicant has appropriately identified key consultees in the wording of Requirements that establish minimum commitments for consultation in advance of submissions to discharge requirements.</u></p>		
CC.LPA. 311	General consideration of the Local Development	<p><u>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</u></p>	<p><i>It is considered that there could be more consideration given to the Council's corporate priority to increase Community Wealth Building (corporate policy and Local Plan Strategic Objective SO3g and</i></p>	<p>PCD [APP-027] PS [AS-010] Relevant policy sections of ES Chapters and Appendices [6.1 and 6.3]</p>

Ref	Topic	Applicant Position	Cumberland Council Position	Application Ref
	Plan Employment and Skills Provision.	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). However, the Applicant is open to opportunities to advance local employment and skills, and this is being considered.	Policy S15 - maybe through an Employment and Skills Plan).	
CC.LPA. 112	The principle of development in relation to the local development plan.	The Applicant anticipates agreement that the Proposed Development would deliver greater benefits than adverse effects, and would contribute to addressing the urgent national need for renewable energy to reduce the carbon emissions associated with power generation.	Agree that the Local Plan is supportive of the development of appropriately located zero/low carbon energy sources, but only if the wider environmental, community and economic benefits are proven and not outweighed by the harm of the development (Policy S2), Would be in compliance with S3j as the development requires a countryside location for technical or operational reasons.	PCD [APP-027] PS [AS-010] Relevant policy sections of ES chapters and appendices [6.1 and 6.3] Ch11 Cumulative Effects and Residual Effects Summary [APP-042]
CC.LPA. 5	The principle of development in relation to the Council's policies on climate change	It is agreed that the Proposed Development contributes positively to the LPA's climate change and net zero ambitions, and would deliver greater benefits than adverse effects	It is not disputed that the development would generate low carbon energy. - unsure if the Council consider this benefit would outweigh adverse effects on things like Policies S27, S33, S35, S36).	PCD [APP-027] PS [AS-010] Ch11 Cumulative Effects and Residual Effects Summary [APP-042]
CC.LPA. 6	The approach to	The Applicant anticipates agreement that the Proposed Development has positively responded to the relevant	Good design is also integral/required for Policy S22 (transport and highways),	PCD [APP-027] PS [AS-010]

Ref	Topic	Applicant Position	Cumberland Council Position	Application Ref
	good design and compliance with good design policy	local planning policies (Policies S4 and DM14 of the Allerdale Local Plan Part 1 (2014)) through its approach to good design, avoiding sensitive areas and limiting adverse areas where practicable. The Applicant anticipates that the design of new development complies with the requirements of Policies S4 and DM14 for development to be functional, safe, accessible, and integrated within its surroundings.	Policy S24 (green infrastructure), Policy S25f (PROWs), Policy S29 (flood risk and surface water drainage), DM17 (trees, hedgerows and woodland).	Ch4 Alternatives and Design Evolution [APP-035] DAD [APP-029] DPD [APP-028] dDCO [APP-012] Works Plans [APP-007]
CC.LPA. 7	Cumulative Effects	<p>The Applicant has made previous requests to the Council for comment on the proposed list of cumulative schemes set out in Table 2.6, and used to inform the cumulative assessment throughout the process of the preparation of the ES, prior to the submission of the DCO application.</p> <p>No comments were previously made by the Council suggesting an incomplete list as part of the PEIR. A response to the query was received on 14 August 2025. Given the number of additional schemes (approximately 30) requested by the Council for consideration in its response, the Applicant will provide a more detailed consideration after Deadline 2.</p> <p>However, at this stage following an initial review, these schemes are not anticipated to alter the assessment of cumulative effects in the ES.</p>	The Council sent the Applicant an updated list of sites on 14 August 2025, which the Applicant is currently considering	Ch2 EIA Methodology [APP-033] ES technical chapters 6-10 [APP-037-041] ES Fig 2.1 Cumulative Schemes within 10km of the Order Limits [APP-044]
CC.LPA. 8	Planning history of the Site	The Applicant considers that the relevant planning history of the Site is set out within section 2.3 of the Planning Statement, and that the consideration of previous uses of the Site have informed the technical environmental assessments where appropriate, for example in consideration of the legacy of coal mining within the Site.	It is anticipated that the Council will provide a position on the planning history of the Site within the Local Impact Report. No comments have been raised in relation to planning history to date.	Planning Statement [AS-010]

Ref	Topic	Applicant Position	Cumberland Council Position	Application Ref
CC.LPA.9	Impacts on land use and acceptability of proposed changes to land use	The Site is currently within agricultural land use. The Applicant's position is that the use of agricultural land is necessary for the Proposed Development, and that the Proposed Development does not involve the irreversible loss of any land available for agriculture. The Proposed Development does not impact on any BMV agricultural land. The Proposed Development will also facilitate co-located agricultural use. Grazing would be utilised as part of the landscape maintenance regime, at a reduced intensity. The GMP will detail how co-located grazing will occur on the Site in order to maintain agricultural activity and economic contribution to the local economy.	<i>It is anticipated that the Council will provide a position on the impacts to land use within the Local Impact Report.</i>	Planning Statement [AS-010] DAD [APP-029]
Cultural Heritage				
CC.HE.1	ES Chapter 6 – Cultural Heritage Methodology (Cultural Heritage)	The Applicant's position is that ES Chapter 6 Cultural Heritage and the HEDBA reflects appropriate methodology and qualified analysis undertaken by a CiFA accredited expert, uses an appropriate study area, uses the correct data which accounts for the HER, and identifies and assesses all relevant assets, including the Large Irregular Stone Circle and Round Cairn Scheduled Monument (NHLE: 1014588) and Wythemoor Sough and Adjoining Barn and Stables listed assets (NHLE: 1327185), and the English Lake District World Heritage Site (WHS) (NHLE: 14526155).	<i>The Applicant is in discussion with the Council on this matter. We will look to update this position in the next iteration of the dSoCG.</i>	Ch6 Cultural Heritage [APP-037] Appx 6.1 HEDBA [APP-112-115]
CC.HE.2	Assessment and conclusions as to effects	ES Chapter 6 Cultural Heritage concludes that the residual construction phase impacts on the Stone Circle and Cairn and Wythemoor Sough and Adjoining Barn and Stables would be moderate adverse and significant.	<i>The Applicant is in discussion with the Council on this matter. We will look to update this position in the next iteration of the dSoCG.</i>	Ch6 – Cultural Heritage [APP-037] Ch7 – Landscape and Visual [APP-039] Appx 5.1 OCEMP [APP-

Ref	Topic	Applicant Position	Cumberland Council Position	Application Ref
	on above-ground designated heritage assets (construction and decommissioning)	Effects to the English Lake District WHS were assessed to be minor adverse and non-significant. Overall, this will amount to less than substantial harm to the designated heritage assets. Mitigation would comprise standard measures to limit the impacts of construction activity, set out within the OCEMP (OCEMP) and OCTMP (OCTMP). Decommissioning effects to these designated assets would be minor adverse, short term, and non-significant following additional mitigation to be implemented through a Decommissioning Management Plan (DMP) and would amount to less than substantial harm.		108] Appx 5.2 OCTMP [APP-109]
CC.HE.3	Assessment and conclusions as to effects on above-ground designated heritage assets (operational)	Chapter 6 concludes that the Proposed Development would have a moderate adverse and significant effect to the Stone Circle and Cairn, and Wythemoor Sough and Adjoining Barn and Stables during the operational phase. There would be a minor adverse and non-significant effect to the English Lake District WHS. For the operational phase, a Landscape Ecological Management Plan (LEMP) will be implemented to ensure that the proposed panting will be managed in accordance with the OLEMP. An Operational Management Plan (OMP) will ensure that the operational activities are managed.	<i>The Applicant is in discussion with the Council on this matter. We will look to update this position in the next iteration of the dSoCG.</i>	Ch6 Cultural Heritage [APP-037] Ch7 Landscape [APP-039] Fig. 7.6 LSP [APP-088] Appx 7.7 OLEMP [APP-145]
Biodiversity				
CC.EC.1	Baseline data and survey reports	The Applicant's position is that the application is supported by a range of survey reports have been prepared against the appropriate methodologies, and where necessary agreed with Natural England (NE).	The Council sent biodiversity review of application direct to the Applicant on 11 August 2025. The Applicant advised the Council to	Ch8 Biodiversity [APP-038] Appx 8.1 PEA and GCN Report [APP-150] Appx 8.2 NVC Survey [APP-151]

Ref	Topic	Applicant Position	Cumberland Council Position	Application Ref
		<p>The need for pre-construction surveys is secured through the OCEMP, and as a minimum would include an update to the Phase 1 Ecological Assessment (PEA) and Tree Constraints Plan (TCP), which would inform whether any species-specific surveys are necessary, and to inform the Risk Avoidance Method Statements (RAMS) and Species Protection Plans (SPPs). Prior to decommissioning, the final DMP must also reflect an updated understanding of the site derived from species and habitat surveys carried out during the operation phase, subsequent monitoring and BNG calculations.</p> <p>The OLEMP, at section 6, secures the ongoing management and monitoring of species using the Site throughout the operational phase, including where necessary repeat surveys. The LEMP will be updated every five years to assess the progress towards habitat condition targets.</p> <p>The Applicant will review the biodiversity report shared by the Council, and an updated position will be provided in the next iteration of the dSoCG, and in the response to LIR.</p>	<p>include this review / response to biodiversity matters within Local Impact Report.</p>	<p>Appx 8.3 Bat Survey Report [APP-152]</p> <p>Appx 8.4 Otter and Vole Survey Report [APP-153]</p> <p>Appx 8.5 Breeding Bird Survey Report [APP-154]</p> <p>Appx 8.6 Wintering Bird and Hen Harrier Survey Report [APP-155]</p> <p>Appx 5.1 OCEMP [APP-108]</p> <p>Appx 7.7 OLEMP [APP-145]</p>
CC.EC.2	Shadow Habitat Regulation Assessment	<p>The Applicant has submitted an SHRA which considers the potential for the Proposed Development to have likely significant effects (LSE) on five European sites within a zone of influence and outlines the mitigation measures which will be implemented to avoid LSE.</p> <p>The River Derwent and Bassenthwaite Lake SAC and Solway Firth SPA were taken through the Screening Assessment and on to the Appropriate Assessment</p>	<p>The Council sent biodiversity review of application direct to the Applicant 11 August 2025.</p> <p>The Applicant advised the Council to include this review / response to biodiversity matters within Local Impact Report.</p>	<p>Appx 8.7 sHRA [6.3]</p> <p>Appx 5.1 OCEMP [APP-108]</p> <p>Appx 7.7 OLEMP [APP-145]</p> <p>Appx 3.1 OOMP [APP-107]</p> <p>Appx 5.4 FDMP [APP-111]</p>

Ref	Topic	Applicant Position	Cumberland Council Position	Application Ref
		<p>Stage.</p> <p>The Applicant has engaged with Natural England (NE) as appropriate on the methodology and conclusions of the assessment, and accounted for in combination impacts associated with the withdrawn Lostrigg Solar on the Site's northern boundary.</p> <p>The Applicant will review the biodiversity report shared by the Council, and an updated will be provided in the next iteration of the dSoCG, and in the response to LIR.</p>		
CC.EC.3	Ecological enhancement s, exclusion areas, and habitat corridors	<p>The Applicant has proposed a landscaping and ecological strategy for the Site which aims to retain and enhance existing habitats to support species populations and assemblages, create additional habitat of ecological value, and support the restoration of habitats within Dean Moor CWS.</p> <p>It is considered that this can be achieved based on what is established by the LSP and OLEMP, with the final versions of these to be based on a detailed design that is informed by the results of existing and future ecological assessments.</p> <p>Enhancement will be achieved through the provision of new habitats and sympathetic vegetation management across the Site, supported by ongoing monitoring to achieve BNG outcomes.</p> <p>Exclusion zones to ancient woodland, peat, watercourses, and hedgerows have been established and are secured by the Works Plans, and are described in ES Chapter 3.</p>	<p>The Council sent biodiversity review of application direct to the Applicant 11 August 2025.</p> <p>The Applicant advised the Council to include this review / response to biodiversity matters within Local Impact Report.</p>	<p>Works Plans [APP-007]</p> <p>Appx 7.7 OLEMP [APP-145]</p> <p>Fig. 7.6 LSP [APP-088]</p> <p>Ch3 Site and Proposed Development [APP-034]</p>

Ref	Topic	Applicant Position	Cumberland Council Position	Application Ref
		The Applicant will review the biodiversity report shared by the Council, and an updated will be provided in the next iteration of the dSoCG, and in the response to LIR.		
CC.EC.4	Delivery of Biodiversity Net Gain (BNG)	<p>Although not a legal requirement for NSIPs the Proposed Development presents a positive opportunity to deliver significant biodiversity net gain (BNG). This is secured through the DCO Requirements for the LEP and LEMP, along with the commitment to attaining a minimum BNG levels as set out in the OLEMP which the Applicant aims to exceed. The final LEMP will include an updated BNG Metric calculation and management and monitoring measures to secure these outcomes.</p> <p>The Applicant will review the biodiversity report shared by the Council, and an updated will be provided in the next iteration of the dSoCG, and in the response to LIR.</p>	<p>The Council sent biodiversity review of application direct to the Applicant 11 August 2025.</p> <p>The Applicant advised the Council to include this review / response to biodiversity matters within Local Impact Report.</p>	<p>Appx 8.8 BNG Report [APP-157]</p> <p>Appx 7.7 OLEMP [APP-145]</p> <p>Fig. 7.6 LSP [APP-088]</p>
CC.EC.5	Impacts to statutory designated Sites	<p>The Applicant has considered the potential impacts of the Proposed Development to statutory designated sites within ES Chapter 8.</p> <p>The chapter concludes no significant residual effects subsequent to the implementation of the mitigation measures set out within the outline control documents for the construction, operational, and decommissioning phases.</p> <p>The Applicant will review the biodiversity report shared by the Council, and an updated will be provided in the next iteration of the dSoCG, and in the response to LIR.</p>	<p>The Council sent biodiversity review of application direct to the Applicant 11 August 2025.</p> <p>The Applicant advised the Council to include this review / response to biodiversity matters within Local Impact Report.</p>	<p>Ch8 Biodiversity [APP-038]</p> <p>Appx 5.1 OGEMP [APP-108]</p> <p>Appx 7.7 OLEMP [APP-145]</p> <p>Appx 3.1 OOMP [APP-107]</p> <p>Appx 5.4 FDMP [APP-111]</p>
CC.EC.6	Impacts to non-	The Applicant has considered the potential impacts on non-designated ecological sites, namely the Dean Moor	The Council sent biodiversity review of application direct to the Applicant 11	Ch8 Biodiversity [APP-038] Works Plans [APP-007]

Ref	Topic	Applicant Position	Cumberland Council Position	Application Ref
	designated sites (Dean Moor County Wildlife Site)	<p>CWS, within ES Chapter 8 – Biodiversity</p> <p>The Applicant has the option of locating solar PV arrays (Work No. 1 on the Works Plans) within small areas within the north of the Dean Moor County Wildlife Site (CWS). As described in ES Chapter 8 – Biodiversity, much of the CWS is poorly functioning, and does not include the areas of purple moor grass for which it is designated, meaning the Proposed Development can be a positive opportunity for the enhancement of the CWS.</p> <p>The Applicant has discussed this position with the Cumbria Wildlife Trust (CWT) and this position is reported in the dSOCC between the Applicant and the CWT..</p> <p>Generally CWT have supported the proposed enhancements to the CWS such as the planting/management for the promotion of species diversity and the cessation of intensive grazing.</p> <p>The Applicant will review the biodiversity report shared by the Council, and an updated will be provided in the next iteration of the dSoCG, and in the response to LIR.</p>	<p>August 2025.</p> <p>The Applicant advised the Council to include this review / response to biodiversity matters within Local Impact Report.</p>	<p>Appx 7.7 OLEMP [APP-145]</p> <p>Fig. 7.6 LSP [APP-088]</p>
CC.EC.7	Protection of habitats and species during the construction phase	<p>The Applicant's position is that the likely effects on ecological receptors on Biodiversity are identified within ES Chapter 8, which has informed the mitigation of construction phase impacts on ecology as outlined within the OCEMP. Section 5 of the OCEMP includes requirements across the Site for the protection of habitats and species, as well as ensuring appropriate measures are in place to exclude non-working areas and limit incursions into retained habitats. The OCEMP further provides general approaches to address pollution</p>	<p>The Council sent biodiversity review of application direct to the Applicant 11 August 2025.</p> <p>The Applicant advised the Council to include this review / response to biodiversity matters within Local Impact Report.</p>	<p>Ch8 Biodiversity [APP-038]</p> <p>Appx 5.1 OCEMP [APP-108]</p>

Ref	Topic	Applicant Position	Cumberland Council Position	Application Ref
		<p>prevention, biosecurity, and construction management. The OCEMP further secures pre-construction surveys to ensure that the Site baseline is up to date and that any environmental management measures are fit for purpose. These surveys will inform the CEMP and associated RAMS pertaining to ecological receptors. Any further surveys and details of mitigation would be set out in Species Protection Plans.</p> <p>The OCEMP further outlines an ecologically sensitive lighting strategy and biosecurity management plan, which would form part of the final CEMP.</p> <p>The Applicant will review the biodiversity report shared by the Council, and an updated will be provided in the next iteration of the dSoCG, and in the response to LIR.</p>		
CC.EC.8	Protection of habitats and species during the operational phase	<p>Appropriate measures have been included within the control documents that are secured by DCO Requirements, to limit and manage impacts on existing and proposed habitats across the Site, the CWS, biodiversity, hedgerows, woodland and watercourses across the Site during the operational phase.</p> <p>These are principally the OLEMP (OLEMP) and the OOMP (OOMP).</p> <p>The Applicant will review the biodiversity report shared by the Council, and an updated will be provided in the next iteration of the dSoCG, and in the response to LIR.</p>	<p>The Council sent biodiversity review of application direct to the Applicant 11 August 2025.</p> <p>The Applicant advised the Council to include this review / response to biodiversity matters within Local Impact Report.</p>	<p>Appx 7.7 OLEMP [APP-145]</p> <p>Appx 3.1 OOMP [APP-107]</p> <p>Ch8-Biodiversity [APP-938]</p>
CC.EC.9	Protection of habitats and species	<p>The Applicant considers that the appropriate measures have been included within the application's control documents that are secured by DCO Requirements.</p>	<p>The Council sent biodiversity review of application direct to the Applicant 11 August 2025.</p>	<p>Appx 5.4 FDMP [APP-111]</p>

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	during the decommissioning phase	<p>This is principally the FDMP (FDMP), which establishes a requirement to provide a final DMP that will include a suite of management plans equivalent to those provided in construction but developed for the decommissioning process and based on up to date Site environmental conditions.</p> <p>The Applicant will review the biodiversity report shared by the Council, and an updated will be provided in the next iteration of the dSoCG, and in the response to LIR.</p>	The Applicant advised the Council to include this review / response to biodiversity matters within Local Impact Report.	
CC.L.2	Selection of view locations (VLs)	The Applicant's position is that the representative view locations have been selected for the assessment of visual effects within ES Chapter 7, as informed by engagement with the Council and the LDNPA. The Applicant has provided a full response to the points raised by report produced by Galpin Landscape Architecture entitled 'Landscape and Visual Impact Assessment – Review' in the ARRR.	Council to respond to ARRR [REP1-002], submitted by the Applicant to the ExA at Deadline 1. The updated position will be reflected in a future iteration of the dSoCG.	<p>Appx 7.5 View Location Photosheets [APP-126–133]</p> <p>Ch7 Landscape [APP-039]</p>
CC.L.3	Selection of cumulative viewpoints and supporting visualisations	The Applicant's position is that the appropriate viewpoints have been selected to assess the cumulative impact of the Proposed Development with Lostrigg Solar, as informed by engagement with the Council and the LDNPA.	Council to respond to ARRR [[REP1-002]], submitted by the Applicant to the ExA at Deadline 1. The updated position will be reflected in a future iteration of the dSoCG.	<p>Ch7 Landscape [APP-039]</p> <p>Appx 7.5 View Location Photosheets [APP-126–133]</p> <p>Appx 7.4 Cumulative Assessment [APP-122–125]</p>
CC.L.4	Landscape and Visual Assessment methodology	The Applicant's position is that the landscape assessment has been undertaken in accordance with Guidelines for Landscape and Visual Impact Assessment (GLVIA), 3rd Edition (2013) and various technical guidance notes and was undertaken by a competent	Council to respond to ARRR [[REP1-002]], submitted by the Applicant to the ExA at Deadline 1. The updated position will be reflected in a future iteration of the dSoCG.	<p>Ch7 Landscape [APP-039]</p> <p>Appx 7.1 Landscape and Visual Methodology [APP-119]</p>

Ref	Topic	Applicant Position	Cumberland Council Position	Application Ref
		specialist. The Applicant's position is that the 2.5km study area is acceptable, as the previous ZTVs indicate that effects outside of this study area are unlikely. Given the high sensitivity and importance of the Lake District National Park / World Heritage Site, these have been included as receptors for assessment. The Applicant acknowledges the report produced by Galpin Landscape Architecture entitled 'Landscape and Visual Impact Assessment – Review' and notes that the report considers the landscape and visual impact assessment of the Proposed Development to have been conducted in line with guidance, meets the requirements of the EIA Scoping Opinion, and that the assessment methodology and assessment of effects are correct.		
CC.L.5	Embedded mitigation	<p>The Applicant's position is that the potential landscape and visual impacts have been considered from an early stage of defining the layout of the Proposed Development.</p> <p>Examples include the early decision to exclude generating station infrastructure from the elevated plateau in Area C, which necessitated the landscape-led selection of additional land (Areas A and B and parts of D) to provide sufficient land to fulfil generation requirements without potentially unacceptable landscape effects. Another is the siting of Work No. 2 infrastructure in a well-contained area informed by both landscape and noise impact assessment to prevent adverse visual and amenity impacts. This is embedded and secured through the Works Plans. The Design Parameters Document</p>	Council to respond to ARRR [[REP1-002]], submitted by the Applicant to the ExA at Deadline 1. The updated position will be reflected in a future iteration of the dSoCG.	<p>Works Plans [APP-007]</p> <p>DPD [APP-028]</p> <p>DAD [APP-029]</p> <p>Fig. 7.6 LSP [APP-088]</p> <p>Appx 7.7 OLEMP [APP-145]</p> <p>Ch7 Landscape [APP-039]</p>

Ref	Topic	Applicant Position	Cumberland Council Position	Application Ref
		(DPD) secures parameters in relation to the appearance of generation infrastructure and its siting within the Site, and locations in which certain development activities may occur. These have been influenced by various matters, but most predominantly by consideration of landscape.		
CC.L.6	Landscape and Visual Mitigation Measures (construction and decommissioning)	The Applicant's position is that the potential construction phase landscape and visual effects comprise the loss of openness and alterations to the existing appearance of the Site, introduction of new temporary elements, effects from construction activities such as traffic and plant and machinery noise, and the compounding impact of these effects alongside the emergence of new built forms associated with the generating station but without the benefit of the established landscape measures which will be in effect for visual screening. Standards best practice construction measures, set out within the OCEMP (OCEMP), OSMP (OSMP), and OCTMP (OCTMP) for construction, and FDMP (FDMP) for decommissioning are proposed to limit the effects construction and decommissioning activities on landscape and visual receptors. The Applicant has provided a full response to the points raised by report produced by Galpin Landscape Architecture entitled 'Landscape and Visual Impact Assessment – Review' in the ARRR.	Council to respond to ARRR [[REP1-002]], submitted by the Applicant to the ExA at Deadline 1. The updated position will be reflected in a future iteration of the dSoCG.	Appx 7.7 OLEMP [APP 145] Ch7 Landscape [APP-039]
CC.L.7	Landscape and visual mitigation measures (operation)	The LSP (LSP) proposes planting and landscaping including the retention of boundary vegetation, reinforcement of field boundaries, native structural planting to provide visual screening and break up the extent of the Proposed Development.	Council to respond to ARRR [[REP1-002]], submitted by the Applicant to the ExA at Deadline 1. The updated position will be reflected in a future iteration of the dSoCG	Fig. 7.5 LSP [APP 126–133] Appx 7.7 OLEMP [APP 145] Ch7 Landscape [APP-039]

Ref	Topic	Applicant Position	Cumberland Council Position	Application Ref
		<p>Proposed enhancements include additional scrub and woodland planting on the southern section of Thief Gill, scrub and marginal planting, and infilling of hedgerows. This landscaping screening strategy has been prepared with regards to advice from the LDNPA to break up long distance views through landscape screening.</p> <p>The DCO secures the production of a Landscape Ecology Plan (LEP) which is to be substantially in accordance with the LSP, as implemented via the LEMP (to be substantially in accordance with the OLEMP).</p> <p>The mitigation measures would establish, and the significance of effects would reduce on landscape character and features, and visual amenity, whilst offering the potential for long term beneficial effects through planting and GI enhancement.</p>		Works Plans [APP-007]
CC.L.8	Residual landscape effects (construction and decommissioning)	<p>ES Chapter 7 concludes that significant adverse effects on the landscape during construction were assessed for the landscape character of the Site and for LCT 9a: Open Moorlands only. The remaining landscape receptors, including the WHS and the Special Qualities of the LDNP would not experience significant effects. During the decommissioning phase, effects are predicted to be similar to those experienced during the construction phase, albeit in reverse.</p>	<p>Council to respond to ARRR [[REP1-002]], submitted by the Applicant to the ExA at Deadline 1. The updated position will be reflected in a future iteration of the dSoCG</p>	<p>Appx 7.2 Schedule of Landscape Effects [APP-120] Ch7 Landscape [APP-039]</p>
CC.L.9	Residual visual effects (construction and	<p>ES Chapter 7 concludes that significant adverse visual effects during construction were largely focussed on view locations either in close proximity to the Site for highly sensitive receptors, or for very highly sensitive receptors</p>	<p>Council to respond to ARRR [[REP1-002]], submitted by the Applicant to the ExA at Deadline 1. The updated position will be reflected in a future iteration of</p>	<p>Appx 7.3 Schedule of Visual Effects [APP-121] Ch7 Landscape [APP-039]</p>

Ref	Topic	Applicant Position	Cumberland Council Position	Application Ref
	decommissioning)	from within the LDNP. Visually, effects during decommissioning will also be like those experienced during construction, however the majority will be reduced in severity because of screening afforded by successful establishment of green infrastructure enhancement measures.	the dSoCG	
CC.L.10	Residual landscape effects (operational)	At operation Year 15, once the landscape planting has matured, no significant adverse effects are predicted for landscape receptors. Chapter 7 concludes that once proposed landscaping has matured, for the majority of the Proposed Development's lifetime the LDNP/WHs would not experience significant landscape effects.	Council to respond to ARRR [[REP1-002]], submitted by the Applicant to the ExA at Deadline 1. The updated position will be reflected in a future iteration of the dSoCG	Appx 7.2 Schedule of Landscape Effects [APP-120] Ch7 Landscape [APP-039]
CC.L.11	Residual visual effects (operational)	Significant adverse effects remain in place for five visual receptors, namely VL6a / 6b, VL7, VL9, VL13c, and VL14 most of which are residential receptors at or near the Site boundary. There are beneficial effects predicted, largely as a result of the green infrastructure enhancements including new and improved planting (trees, woodland, hedgerows) and for the watercourses within the Site which would all benefit from enhanced landscape structure, new and improved habitats and improved ecological connectivity.	Council to respond to ARRR [[REP1-002]], submitted by the Applicant to the ExA at Deadline 1. The updated position will be reflected in a future iteration of the dSoCG	Appx 7.3 Schedule of Visual Effects [APP-121] Ch7 Landscape [APP-039]
CC.L.12	Residual cumulative effects	With regards to the overall combined cumulative effects (i.e. potential effects of all developments considered as a whole), no significant cumulative landscape effects were predicted. From a visual perspective, only road users along Branthwaite Road are predicted to experience significant cumulative effects as they would pass all three	Council to respond to ARRR [[REP1-002]], submitted by the Applicant to the ExA at Deadline 1. The updated position will be reflected in a future iteration of the dSoCG	Ch7 Landscape [APP-039] Appx 7.4 Cumulative Assessment [APP-122 – APP-125]

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		developments on their journey in either direction.		
CC.L.13	Inter relationship between landscape and cultural heritage	The Applicant's position is that the potential effects of the Proposed Development on the landscape setting of heritage assets overlaps across ES chapter 6—Cultural Heritage and ES Chapter 7—Landscape and Visual. To avoid double counting receptors, the assessment on the setting of heritage assets is included within ES Chapter 6 and cross referred to within Chapter 7.	Council to respond to ARRR [[REP1-002]], submitted by the Applicant to the ExA at Deadline 1. The updated position will be reflected in a future iteration of the dSoCG.	Ch7 Landscape [APP-039] Ch6 Cultural Heritage [APP-037]
Environmental Health				
CC.EHO.168	Assessment and mitigation of noise effects (operations)	The Applicant's position is that, as a passive technology, solar farms are not generally associated with adverse noise effects, with the only noise emitting equipment limited to the HVAC system of inverter transformer stations (PCS units) which only operate during daylight hours and the grid connection infrastructure (Work No. 2). The way in which potential noise has influenced design is set out within the DAD (at section 5 and 6.10) and discussed in PS section 6.11. An assessment of noise impacts during the operational phase is reported in the Noise and Vibration Impact Assessment ('NIA') which concludes that for the Work No. 2 infrastructure, no additional mitigation is required as the location of Work No. 2 was informed by noise assessment which determined it to be a suitable location without potential for significant adverse effects. It also concluded that there may be limited areas at the fringes of the Site where PCS units should not be located based on the worst case noise data for PCS Units used	Looking at the NIA some of the dwellings (f and h) will have the potential for noise levels at night above the background noise levels therefore further mitigation may be required to ensure that, in particular, at night the rated level of the plant is not above background noise levels.	Work Plans [APP-007] dDCO [APP-0121] Appx 2.6 NIA [APP-103] Ch2 EIA Methodology [APP-033] Appx 5.1 OCEMP [APP-108] Appx 5.2 OCTMP [APP-109] Appx 3.1 OOMP [APP-107] Appx 5.4 FDMP [APP-111] SNS [APP-024] PS section 6.11 [AS-010]

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		<p>in the assessment. However, as there are already options available with lower noise levels and the technology is continually evolving, no restriction is placed for where these may be located within Work No. 1.</p> <p>The Applicant's position is that based on their experience in solar farm design, these fringe locations on the Site boundary are not likely from an engineering perspective, but it is not appropriate to constrain the design at this stage as these exclusions would only be based on worse case options that is not representative of all options that will be available for procurement.</p> <p>This is needed to review noise impacts once the design is established is addressed by dDCO Requirement 12, which requires the generating station design post consent to be informed by an updated noise model. This will ensure noise levels at the Significant Observable Adverse Effects Level (SOAEL) will not arise based on the final layout and technology specifications.</p> <p>It is acknowledged that based on the worst case assessment presented in the NIA, certain receptors, including the dwellings identified as f and h could be subject to an increase in background sound relative to the current situation. However, as described this is merely a potential 'worst case' outcome. Consideration will be given to minimising the effect on all receptors within the noise impact assessment to be undertaken post consent.</p> <p>The Council have highlighted the potential for noise above the background sound level, including regarding</p>		

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		<p>the effects identified for two properties f and h within the NIA.</p> <p>The Applicant notes that the level at which noise from plant becomes significant is not based on whether it exceeds the background sound level, but by the margin that the rating level exceeds the background sound level. This provides the preliminary assessment outcome within the NIA, and informs the overall assessment (which describes the overall impact).</p> <p>As is committed to by DCO Requirement 12, the mitigation required to ensure significant effects do not occur will be implemented to reduce noise levels associated with equipment.</p> <p>In addition, further controls on operational noise are established by the OOMP which governs when and how maintenance activities will occur on Site to ensure these are conducted in a considerate manner.</p>		
Archaeology and Heritage				
CC-AH.5	The potential for archaeological remains on the Proposed Development Site	<p>It is anticipated to be agreed that the assessment of the HEDBA, which is reinforced by the findings of the geophysical survey, support a judgement that the probability of significant archaeological remains across the Site is low, not least due to the extensive history of open cast mining and other development across large areas of the Site.</p> <p>It is also anticipated to be agreed that despite this, further investigation is required in the form of additional fieldwork, including trial trenching, to inform a fuller</p>	<p>It is agreed that there is no requirement to consider the scheme's impact upon non designated archaeological assets within Areas A, B & D as previous open cast mining activity will have removed all remains in these areas.</p> <p>The surveys undertaken to date within Area C are sufficient in their scope to indicate that it is very unlikely significant non designated archaeological assets</p>	<p>Ch6 Cultural Heritage [APP-037]</p> <p>Appx 6.1 HEDBA [APP-112 –115]</p> <p>Appx 6.2 – Geophysical Survey Report [APP-116]</p> <p>Appx 6.3 AMS [APP-117]</p> <p>Appx 5.1 CEMP [APP-108]</p>

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		<p>understanding of the Site's archaeological baseline. The Archaeology Management Strategy (AMS), which includes an outline Written Scheme of Investigation (WSI), has been agreed with the Council's archaeologist. The AMS provides an appropriate foundation for fieldwork to be undertaken in advance of construction on the Site, and sets out pathways to secure any further mitigation (exclusion, design alternatives, working methods, and a watching brief to be implemented during construction) depending on fieldwork outcomes.</p> <p>The AMS has been produced by a CiFA-accredited archaeological consultant in collaboration with the Council's archaeologist in accordance with industry standards and includes commitments to recording and reporting in accordance with best practice. As per the comments from the Archaeological Advisor, Chapter 6 – Cultural Heritage has been updated to refer to archaeological, strip, map, and sample as mitigation options. Therefore, subsequent to the Council's review of the updated chapter, this matter is anticipated to be agreed.</p>	<p>survive, but there is the potential for remains of lesser significance to be present particularly in the areas adjacent to the peat where evidence for prehistoric activity may exist and in relation to the anomalies highlighted in the geophysical survey which may reflect remains.</p> <p>Archaeological evaluation is therefore required to determine the presence of buried remains and, if remains are found they will need to be investigated and recorded.</p> <p>While it is agreed that the Archaeology Management Strategy (AMS) in Appendix 6.3 describes adequate mitigation – evaluation followed by either design mitigation, a watching brief or archaeological, strip, map and sample, and finally dissemination – the ES (in section 6.6.3 – 6.6.7) and this SoCG fail to refer to archaeological, strip, map and sample as a mitigation option.</p> <p>This is an issue that has been ongoing during pre-application discussions. It is important to include archaeological, strip, map and sample as a mitigation option as it provides an appropriate scope of mitigation depending upon the nature of the archaeological resource and the</p>	

Ref	Topic	Applicant Position	Cumberland Council Position	Application Ref
			impact from the scheme.	
CC.EHO.16	Statutory Nuisance	<p>The Applicant has prepared a Statutory Nuisance Statement to justify provisions within the draft DCO relating to Statutory Nuisance. The matters which have been considered include general Site condition, air quality, artificial light, and noise and vibration, during all phases of the Proposed Development.</p> <p>The embedded and additional mitigation measures identified in the ES and set out in the relevant control documents will prevent impacts which have a potential to result in statutory nuisance under Section 79 of the EPA. These measures are secured by requirements within the draft DCO.</p>	<p><i>It is agreed that the Applicant's Statutory Nuisance Statement describes the appropriate matters from the Section 79(1) of the Environmental Protection Act and thus considers whether the Proposed Development would cause a statutory nuisance.</i></p> <p><i>The Council is reviewing the Applicant's Statutory Nuisance Statement, however the Council notes that the Applicant has detailed appropriate mitigation and controls for all potential sources of statutory nuisance, so the Statutory Nuisance Statement's conclusion that statutory nuisance is unlikely is accepted.</i></p>	Statutory Nuisance Statement [APP-024] dDCO [REP2-004]
Land Matters				
CC.LM.1	The potential need for further engagement relating to temporary possession or acquisition rights.	<p>The Council retains an interest in the following plots (described in the Book of Reference), which are subject to permanent acquisition of rights or temporary possession.</p> <p>These highway plots are required for utility diversions as well as street works. Works to streets are to be in accordance with the powers in Part 3 of the draft DCO.</p> <p>The Applicant is not aware of any current concerns but will engage further if the Council has any concerns are raised.</p>	The Council is considering a response on this matter. The dSoCG will be updated accordingly in a future iteration.	Book of Reference [APP-016]

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		Plots: 1-01, 1-02, 1-03, 1- 04, 1-05, 1-06, 1-07, 1-08, 1-10, 1-47, 1- 48, 1-49, 1-50, 1-51, 1-52, 1-53, 1-54, 1- 55, 1-56, 1-57, 1-58, 1-59, 1-61, 1-62, 1- 63, 1-64, 1-65, 1-66, 1-68, 1-69, 1-70, 1- 71, 1-72, 2-01, 2-02, 2-03, 2-07, 2-11, 4- 01, 4-02, 4-03, 4-04, 4-05, 4-06		

2.4 Matters not agreed

- 2.4.1 The Applicant does not consider that there are any matters which have not been agreed and are not capable of reaching agreement during the Examination.

3 Record of Engagement

3.1 Summary of consultation and engagement

3.1.1 The table below summarises communication in relation to progressing this SoCG. The Applicant notes that there has been a variety of informal communication, such as telephone calls between the parties to discuss updates on the Proposed Development and various ad-hoc queries, which are not set out in the table below.

Table 3.1 Summary of consultation and engagement with Cumberland Council

Ref	Date	Council Department	Engagement Type & Record	Key topics discussed and key outcomes
Environmental Health				
CC.EHO.A	11/09/2023	N/A	Input into EIA Scoping [APP-097]	<ul style="list-style-type: none"> - Agreed to scoping out noise and vibration subject to the implementation of CEMP / CTMP and equipment located within minimum distances. - Highlighted that the CEMP / DEMP will define requirements for material re-use, including appropriate soils / materials storage and handling. - Agreed to scoping out lighting based on the control of operational lighting through the LEMP. - Agreed to scope out glint and glare based on the inclusion of a Glint and Glare study.
CC.EHO.B	15/11/2023	EHO	Meeting (ES Appendix 2.9 Stakeholder Engagement [APP-106])	Discussion of the assessment of ground conditions, air quality, and glint & glare with the EHO
CC.EHO.C	26/04/2024	N/A	Response to statutory consultation	<p>Agreed with the proposal of a ground investigation report and suggested gas monitoring</p> <p>Highlighted consideration of buildings proposed which might affect current ground gas conditions.</p> <p>Requested that the CEMP cover noise and dust management. Noted that a full NIA will be</p>

Ref	Date	Council Department	Engagement Type & Record	Key topics discussed and key outcomes
				provided.
CC.EHO.D	18/09/2025	EHO	Email	The Applicant provided further explanation of the approach taken in the NIA and the mitigation options for PCS units.
CC.EHO.E	21/09/2025	EHO	Email	The EHO confirmed the explanation of mitigation options and the approach to considering the worst-case in the NIA.
CC.EHO.F	26/09/2025	EHO	Email	The Applicant sought to confirm a shared position on the assessment and mitigation of operational noise effects.
Transport and Access				
CC.LHA.A	18/05/2023	LHA	Meeting (ES Appx 2.5 Appx D Consultation Meeting Minutes with Cumberland Council and National Highways [APP-102])	Discussion of ATC survey results, accident data, vehicle routeing, Branthwaite Edge Road, Gilgarran Road, and approach to EIA Scoping.
CC.LHA.B	11/09/23	LHA	Input into EIA Scoping [APP-097]	Confirmed that the impact of the construction phase on the LRN and SRN is expected to be minimal. Agreed to scope out transport and access from the ES subject to a Transport Statement, OCTMP, and FCWTP being submitted.
CC.LHA.C	17/11/23	LHA	Meeting	Discussion of access proposals and feedback on the informal paths through the Site from public consultation, and proposals for permissive paths with the LHA.
CC.LHA.D	21/12/23-09/01/24	LHA	Email (ES Appx 2.5 Appx D Consultation)	21.12.23 Applicant requested feedback on temporary construction priority working on the former railway bridge to avoid vehicle-to-vehicle conflicts due to the narrow road width. 08.01.23 / 09.01.23 The LHA confirmed a priority system is not necessary and additional

Ref	Date	Council Department	Engagement Type & Record	Key topics discussed and key outcomes
			Meeting Minutes with Cumberland Council and National Highways [APP-102]	signage / road markings are preferred.
CC.LHA.E	26/04/24	LPA/LHA	Statutory consultation response	<p>The response confirms the scope of Transport Statement and OCTMP.</p> <p>The LHA confirm the Proposed Development is well placed to take advantage of the surrounding transport network and good connections to the A595.</p> <p>The response notes the potential need for temporary traffic management measures or signage. The response highlights the CTMP will help provide traffic control to prevent HGV traffic.</p> <p>The response notes the proposals for construction compounds and management of HGV arrivals through the CTMP, and wheel washing measures provided through the CEMP.</p> <p>The LHA encourage the use of the Branthwaite Road access over the other six to avoid excessive trips on the public highway, and recommend considering routing all traffic internally from this access.</p> <p>The LHA agree the network is operating within effective capacity, there are no specific restrictions or operational traffic, although some roads are narrow, and the accident record does not give any specific cause for concern.</p> <p>The LHA confirm traffic management measures are not necessary on the bridge on Branthwaite Edge Road and that simple road signs are appropriate.</p> <p>The LHA request a staff minibuss service from key accommodation areas. and support the inclusion of a CWTP and proposed measures.</p>
CC.LHA.F	22/05/25	LHA	Additional Submission accepted at the discretion of the ExA [AS-004]	<p>The LHA confirmed extensive engagement with the Applicant on transport and access, and that the Transport Statement, OCTMP, FDMP, OOMP, and Traffic Regulation Measures Plan are comprehensive.</p> <p>The LHA note that all the measures and proposals previously discussed are included.</p> <p>The LHA highlight that the proposals are acceptable at this stage, and further details to be</p>

Ref	Date	Council Department	Engagement Type & Record	Key topics discussed and key outcomes
				approved by the LHA are required.
Flood Risk and the Water Environment				
CC.LLFA. A	11/09/23	LLFA	Input into EIA Scoping [APP-097]	Confirmed no likely significant effects are anticipated and agreed with scoping out water resources and flood risk subject to standard measures and a CEMP.
CC.LLFA. B	13/10/23	LLFA	Meeting (ES Appx 2.4 FRA and ODS Appx C Stakeholder Correspondence) [AS-013]	Discussion of the proposed drainage strategy with the LLFA, who were overall happy with the approach in line with the conclusions of the Cook and McCuen paper. Discussion of panel and access track design in relation to drainage and landscape-led approach / grazing management.
CC.LLFA. C	05/06/24	LLFA	Meeting (ES Appx 2.4 FRA and ODS Appx C Stakeholder Correspondence) [AS-013]	Discussion of statutory consultation response and the EA's comments in relation to flood risk modelling The LLFA confirmed they agree with the flood risk mapping used in the PEIR and that the Proposed Development would not represent a risk of flooding. Discussion of culverted watercourse. The LLFA agreed with the approach. The LLFA agreed with the 8m buffer and expressed confidence in the approach to surface water management. Discussion of accounting for extreme weather events in the outline management plans.
CC.LLFA. D	03/02/25	LLFA	Email (ES Appx 2.4 FRA and ODS Appx C Stakeholder Correspondence) [AS-013]	Request for confirmation of the Applicant's approach to watercourse buffers. The LLFA agreed that using 10m buffer from the watercourse centreline is appropriate.
CC.LLFA. E	22/05/25	LLFA	Additional Submission accepted at the	The LLFA confirmed extensive engagement on the project to establish the requirements and provisions within the application and stated that the FRA & ODS is very comprehensive. The LLFA confirmed they are satisfied with the measures proposed at this stage for surface water

Ref	Date	Council Department	Engagement Type & Record	Key topics discussed and key outcomes
			discretion of the ExA [AS-004]	management and that the development will not increase flood risk to the site or downstream.
Archaeology (Heritage)				
CC.AH.A	11/09/23	N/A	Input into EIA Scoping [APP-097]	The Council confirmed the Scheduled Monument within the Site. The Council acknowledge the Phase 1 Ground Conditions Assessment and assessment of archaeology. The Council accepted scoping out archaeology as its own ES Chapter
CC.AH.B	29/11/23	HEO	Email (ES Appx 6.4 Stakeholder Engagement [APP-118])	The Applicant shared the geophysical survey report and the Historic Environment Officer confirmed that not much has been highlighted in the results.
CC.AH.C	12/12/23	HEO	Email (ES Appx 6.4 Stakeholder Engagement [APP-118])	Applicant shared the Scoping Opinion with the HEO to aim to agree the scope of built heritage receptors scoped into the ES. The HEO confirmed that the Scheduled Ancient Monument within the Site and Grade II listed Wythemoor Sough and Adjoining Barn and Stable are the appropriate assets to focus on in the heritage assessment.
CC.AH.D	26/04/24	LPA	Response to statutory consultation	The Council welcome the detailed surveys of the Site to establish the impacts on the setting of nearby heritage assets, including the Geophysical Survey. Confirmation that the HEDBA provides a full baseline of the Site and surrounding area. Welcomes exclusion area around the Scheduled Monument and welcomes access and signage improvements to allow the public to better appreciate the asset. Recognises that landscape screening planting could reduce the visual impact on the Wythemoor Sough house. Confirmed assessment of the heritage assets and archaeological potential of the Site. Accepts approach of embedded mitigation through a mitigation and enhancement area around the Stone Circle and Round Cairn and the positioning of solar panels. Confirms approach to additional mitigation of built heritage and archaeology. Confirms no comments from the Cumberland Archaeologist.

Ref	Date	Council Department	Engagement Type & Record	Key topics discussed and key outcomes
				Accepts the residual effects to archaeology and built heritage
CC.AH.E	29/10/24	HEO	Meeting and emails	The Applicant shared the draft Archaeological Mitigation Strategy. The Council's HEO advised a number of amendments. The Applicant confirmed that these revisions have been made. The HEO confirmed the archaeological mitigation is acceptable.
CC.AH.F	30/01/25 – 11/02/25	HEO	Email (ES Appx 6.4 Stakeholder Engagement [APP-118])	<p>30.01.25 the Applicant shared the parameter plan and exclusion area plan and highlighted that this may impact the agreed AMS.</p> <p>30.01.25 the HEO confirmed that it is preferable to amend the mitigation scheme if the exclusion areas won't be impacted by construction work.</p> <p>04.02.25 the Applicant shared the draft AMS for comment.</p> <p>04.02.25 - 06.02.25 discussion around the location and number of trial trenches and agreed on an additional trench to investigate the area of peat on the west side of the site.</p> <p>07.02.25 discussion of the wording of the AMS and references to archaeological strip, map and sample, and wording of significance of the assets.</p> <p>10.02.25 Applicant amended the AMS based on the HEO's comments.</p> <p>11.02.25 The HEO confirmed agreement to the amended AMS.</p>
CC.AH.G	24/06/25	HEO	Additional Submission accepted at the discretion of the ExA [AS-003]	<p>Agreed to the assessment on the setting of the stone circle and round cairn and Wythemoor Sough listed building.</p> <p>Suggested consultation with Historic England on the potential impacts on these assets.</p> <p>Confirmed the assessment of the potential archaeological assets within the Site and agreed with the ES that these assets are likely to be of low/moderate significance and that the worst-case scenario is that construction causes a major adverse effect.</p> <p>Raises no objection with regard to impact on non-designated archaeological assets and confirms agreement to the scope of mitigation set out in the AMS.</p> <p>Confirmed that adequate methodology for achieving this protection should be agreed prior to commencement, and that a written scheme of investigation would be needed prior to commencement of scheme.</p>
Ecology				

Ref	Date	Council Department	Engagement Type & Record	Key topics discussed and key outcomes
CC.EC.A	11/09/23	N/A	Input into EIA Scoping [APP-097]	Accepts the approach to assessing likely significant effects on biodiversity, including in respect of pollutants. Notes that the locality is habitat for hen harrier
CC.EC.B	26/04/24	LPA	Response to statutory consultation	Notes that the Site has been surveyed and confirms the baseline of the Site. Acknowledges policy S35 of the Allerdale Local Plan to safeguard biodiversity. Notes that the LEMP will deliver the BNG commitments and the proposals for grazing management. Notes the proposals for ecological enhancements. Notes the proposals for additional mitigation through management plans and ecological enhancements, and advises that the management plans set out measures to safeguard habitats. Confirms the residual effects as reported in the Biodiversity PEIR chapter.
CC.EC.C	29/10/24	Ecologist	Response to statutory consultation	States that low level lighting must be adopted if at night. Notes the residual effects to the Dean Moor CWS during construction and decommissioning. Requests further information on the buffers and exclusion zones. Recommended consultation with Natural England on bat activity surveys and advised on survey timings. Advised that the HRA will likely proceed to the Appropriate Assessment stage and requests a full HRA. Highlights the importance of protections for small mammals within the CEMP.
CC.EC.D	10/10/25	Tetrattech	Meeting regarding LIR [REP2-058]	Discussion regarding the matters raised by the Council within the LIR. - Protected species surveys; - sHRA; - BNG.
Landscape				
CC.L.A	11/09/23	LPA	Input into EIA Scoping [APP-	No comments in relation to landscape

Ref	Date	Council Department	Engagement Type & Record	Key topics discussed and key outcomes
			097]	
CC.L.B	19/09/23	LPA	Email (ES Appx 7.10 Stakeholder Correspondence) [APP-149]	The Applicant wrote to the Council to confirm the suggested view locations for visual assessment and explained the approach to selecting view locations
CC.L.C	26/04/24	LPA	Statutory consultation response	<p>The Council confirmed the LVIA is informed by site visits and photography from representative viewpoints agreed with the Council.</p> <p>The response confirmed the accuracy of the baseline and use of the Cumbria Landscape Character Guidance and Toolkit.</p> <p>The Council confirmed the Proposed Development can be accommodated without significant impact on the landscape subject to mitigation.</p> <p>The assessment of landscape and visual effects are accepted.</p> <p>The Council accepts the potential enhancements measures and notes that landscape screening would reduce the potential visual impact on neighbouring residents.</p>
CC.L.D	06/09/24-01/10/24	LPA	Email ES (Appx 7.10 Stakeholder Correspondence) [APP-149]	<p>06.09.24 Applicant requested confirmation from the Council of the proposed supporting visualisations.</p> <p>06.09.24 Applicant requested confirmation of the view locations for the cumulative visual assessment with Lostrigg Solar.</p> <p>01.10.24 The Council replied to set up a meeting to discuss the visualisations and cumulative viewpoints.</p>
CC.L.E	25/06/25	Landscape (Galpins)	Additional Submission accepted at the discretion of the ExA [AS-005]	The Council submitted an independent LVIA report prepared by Galpin Landscape Architecture Ltd which reviewed the landscape and visual assessment.
CC.L.F	8/9/25	Landscape (Galpins)	Meeting regarding LIR	Discussion regarding the matters raised by the Council within the LIR.

Ref	Date	Council Department	Engagement Type & Record	Key topics discussed and key outcomes
			[REP2-058]	
Minerals and Waste				
CC.MW.A	11/09/23	N/A	Input into EIA Scoping [APP-097]	Council noted that an intrusive ground investigation will be undertaken and contamination prevention measures to be provided in the OCEMP. Response highlighted the Site is within a MSA for brick clay and Minerals Consultation Area. Noted that the Proposed Development will not sterilise the mineral resource. Agreed to scoping minerals chapter out of ES.
CC.MW.B	16/11/23	Minerals and Waste Officer	Meeting (ES Appx 2.9 Stakeholder Engagement) [APP-106]	Discussion of minerals safeguarding areas for brick, clay, sand, and gravel; surface coal resource; and restoration scheme records.
CC.MW.C	26/04/24	N/A	Response to statutory consultation	Noted PEIR assessment and confirmed mitigation of an intrusive ground investigation and managing ground conditions, human health, and contamination through a CEMP and DEMP.

4 Signatures

4.1.1 This Statement of Common Ground is agreed upon:

On behalf of Cumberland Council:

Name:

Signature:

Date:

On behalf of the Applicant:

Name:

Signature:

Date:

