



Dean Moor Solar Farm

Applicant Responses to ExA's Written Questions (2) on behalf of **FVS Dean Moor Limited**

28 October 2025
Prepared by: Broadfield
PINS Ref: EN010155
Document Ref: D4.3
Deadline: 4
Revision: 1



Firma Energy

 **ib vogt**

DEAN MOOR SOLAR FARM
APPLICANT'S RESPONSES TO EXA'S WRITTEN QUESTIONS (2)
PLANNING INSPECTORATE REFERENCE EN010155
PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED

Project Ref:	EN010155/ Applicant's Responses to Exa's Written Questions (2)
Status	Final
Issue/ Rev:	1
Date:	28 October 2025
Deadline:	4
Document Reference:	D4.3

Contents

1	Introduction	1
1.1	Overview.....	1
1.2	Overview and Structure of Applicant Response to Examination Questions 2	1
2	Biodiversity, Ecology and Natural Environment (including HRA)	2
3	Climate change	8
4	Environmental Statement	19
5	Landscape and Visual Effects	22
6	Compulsory Acquisition and Related Matters	24

1 Introduction

1.1 Overview

- 1.1.1 This Applicant Response to Examination Questions (2) (AREQ2) Document [D4.3] has been produced for FVS Dean Moor Limited (the ‘Applicant’) to support the application for a Development Consent Order (the ‘DCO application’) for Dean Moor Solar Farm (‘the Proposed Development’) located between the villages of Gilgarran and Branthwaite in West Cumbria (the ‘Site’), which is situated within the administrative area of Cumberland Council (‘the Council’).
- 1.1.2 AREQ2 sets out the responses from the Applicant to the Examining Authority’s (ExA) second written questions [PD-012] and requests for information in relation to the Applicant’s DCO application for the Proposed Development.

1.2 Overview and Structure of Applicant Response to Examination Questions 2

- 1.2.1 This document is divided into the following sections:
- Section 2 Biodiversity, ecology, and natural environment (including Habitats Regulations Assessment (HRA));
 - Section 3 Climate Change;
 - Section 4 Environmental Statement;
 - Section 5 Landscape and visual effects; and
 - Section 6 Compulsory Acquisition and Related Matters;

2 Biodiversity, Ecology and Natural Environment (including HRA)

Table 2.1: Biodiversity, Ecology and Natural Environment (including HRA)

No.	Question / Applicant's Response
Q2.1.1	<p>Question: <i>Updated Statement of Common Ground (SoCG) needed (applicant also note – update to all draft SoCG (dSoCGs) due by deadline 4 – Tuesday 28 October 2025). [Addressed to the Applicant, Cumbria Wildlife Trust, and Natural England]</i></p> <p>Response:</p> <p>Updated draft Statements of Common Ground (dSoCG) with Cumbria Wildlife Trust (CWT) [D4.6] and Natural England (NE) [D4.8] have been agreed and provided at D4, as well as updated dSoCGs with the Council [D4.10], National Highways (NH) [D4.9], and the Environment Agency (EA) [D4.7]. As no matters have arisen between D3 and D4 which would require the dSoCG with the Lake District National Park Authority (LDNPA) [REP3-017] to be updated, it has not been updated for D4. No further feedback or comments have been received from Historic England (HE) since the dSoCG submitted at D2 [REP2-015] and therefore no HE updated is provided at D4. Equally, there have been no changes to the Proposed Development which affects the dSoCG with the Mining Remediation Authority (MRA), so the version submitted at D2 [REP2-017] is still considered to be up-to-date.</p> <p>All matters are now agreed within the CWT dSoCG, capturing the outcomes of discussions between the Applicant and CWT between D3 and D4 on Site monitoring, ongoing surveys, and the strengthening of language in relevant control documents around the Applicant's commitment to continual engagement with CWT on these topics post-consent. This is reflected in the Outline Construction Management Plan (OCEMP) submitted at D4 [D4.13] and will be included also within the updated Outline Landscape Ecological Management Plan (OLEMP) intended to be submitted at D5.</p> <p>All matters are now agreed within the NE dSoCG. The previous iteration submitted at D3 [REP3-032] set out the in-principle agreement between the Applicant and NE on the actions required to resolve outstanding matters relating to peat resource management through updates to the Outline Soil Management Plan (OSMP). It was agreed that the Applicant would then further consult on the OSMP with NE ahead of its D4 submission [D4.8]. Having provided these updates to the OSMP which have been agreed as appropriate by NE, the NE dSoCG has also been updated for D4 to move these matters from 'under discussion' to 'agreed'.</p>

No.	Question / Applicant's Response
Q2.1.2	<p>Question: <i>Please clarify the biodiversity net gain (BNG) figures you are asking the ExA and subsequently the Secretary of State to consider. Given that different figures are referenced in different documents, how is the appropriate BNG minimum figure secured?</i> [Addressed to the Applicant]</p> <p>Response:</p> <p>Biodiversity Net Gain BNG (BNG) figures are included in both the OLEMP [APP-145] and ES Appendix 8.8 BNG Report [APP-157]. The figures that the ExA and Secretary of State (SoS) should consider as the minimum figures the Applicant will be required to deliver are at paragraph 1.2.3 of the OLEMP and are as follows:</p> <ul style="list-style-type: none"> • 60% for habitats; • 20% for hedgerows; and • 5% for watercourses. <p>The securing mechanism for BNG is the OLEMP [APP-145]. The OLEMP establishes the above figures as a minimum commitment based on a worst-case interpretation of what can be achieved. Requirement 7 of the dDCO requires the final LEMP to substantially accord with the OLEMP Paragraph 1.2.7 of the OLEMP requires the final LEMP to <i>'set out how the Proposed Development will be maintained and monitored to deliver the BNG commitments set out in paragraph 1.2.3'</i>.</p> <p>The BNG figures included in ES Appendix 8.8. BNG Report are based on a preliminary BNG metric calculation based on the Landscape Strategy Plan (LSP). Final BNG figures will be based on the final Landscape and Ecology Plan (LEP). Preparation and approval of the LEP is secured by DCO Requirement 6 and the LEP must be substantially in accordance with the LSP. Paragraph 1.2.6 of the OLEMP requires the final LEMP to correspond to the LEP. Paragraph 1.2.3 of the OLEMP establishes that: <i>'Until the final layout is established, this OLEMP seeks to commit to a minimum target of BNG while aspiring to meet values presented in the Biodiversity Net Gain (BNG) Report included as ES Appendix 8.8.'</i></p> <p>The OLEMP BNG figures are minimum figures based on ES Appendix 8.8 BNG Report [APP-157] (not copied in here to avoid confusion) and reduced to worst case minimum commitments in the OLEMP to ensure sufficient flexibility. The conservative approach being taken to the BNG figures is intended to account for known-unknowns including the following:</p> <ul style="list-style-type: none"> • The absence of a final design, final LEP, and final LEMP against which a metric can be run based on the real details, as opposed to the BNG Report metric which is based on the LSP, OLEMP, and parameters in the Work Plans [APP-007] and Design Parameters Document [DPD] [APP-028]. • Acknowledgement that the environment has and will continue to evolve between the pre-application assessments of habitat conditions and the pre-construction period when the final LEP and LEMP are being prepared. Along with responding to the final generating station layout the final LEP will

No.	Question / Applicant's Response
	<p>need to be designed for the as-is environment and habitat conditions based on updated pre-construction surveys as secured by the Outline Construction Management Plan (OCEMP) [D4.13].</p> <p>The BNG figures committed to by the OLEMP are lower than those of the BNG Report. However, the OLEMP establishes these figures as a minimum. The OLEMP requires an update to the metric based on updating details as described above. The final LEMP will then include the implementation and management prescriptions required to deliver these final figures. What the OLEMP secures therefore is that the BNG figures of the final LEMP will not be less than those minimums. The final LEMP is the true securing mechanism for the BNG to be delivered by the Proposed Development, with the OLEMP providing the foundation and securing mechanism for what the LEMP will provide and be required to deliver following approval by the Council. The Applicant expects the final BNG figures to be closer to the figures in the BNG Report than the OLEMP figure but notes that even these minimum figures are still significant net gains for biodiversity.</p> <p>The Applicant's approach to BNG is explained in paragraphs 6.1.7-8 of the BNG Report, paragraphs 1.2.2-3 of the OLEMP, paragraphs 6.7.21 – 6.7.25 of the Planning Statement (PS) [AS-10], paragraphs 5.5.12-5.5.14 of the Design Approach Document (DAD) [APP-029], and Table 2.1 of the Policy Compliance Document. (PCD) [APP-027].</p> <p>The Applicant has also addressed this topic in responses during the Examination including in the Applicant Response to Relevant Representations (ARRR) [REP1-002] at D1, indirectly in the AREQ1 [REP3-004] at Q1.0.10 relation to the updating assessments to inform the final figures, and in the D3 Applicant Response to the Local Impact Report (ARLIR) [REP3-008] at 12.8.1, and several other rows in that section which refer back to 12.8.1.</p> <p>The application's approach to BNG has been discussed agreed with relevant stakeholders as per the following dSoCG:</p> <ul style="list-style-type: none"> • Natural England dSoCG [D4.8] at NE6 and NE7; • Cumberland Council dSoCG [D4.10] at CC.LLFA.8 (in relation to watercourses) and CC.EC,6 with support also in EC.2, EC.3 & EC.5; • Environment Agency dSoCG [D4.7] at EA5; and • Cumbria Wildlife Trust dSoCG [D4.6] at CWT7. <p>These dSoCG demonstrate the Applicant has been effective at engaging on this topic. While it is acknowledged by the Applicant and consultees that this approach is conservative, it is agreed as an appropriate way to manage the issue without constraining ambition. It is intended to ensure the highest possible BNG figures are ultimately secured by the final LEMP while avoid the risk to the Applicant from basing figures on worst-case parameters, including within the LSP and 2023 habitat baseline data, rather than updated baseline data and detailed final design including the LEP.</p>

No.	Question / Applicant's Response
	<p>To provide greater clarity on the approach to securing BNG the Applicant will update the OLEMP to more clearly set out that the relationship between the OLEMP and requirement for the final LEMP to be supported by an updated BNG metric which will establish the final secured BNG figures following the Council's approval of the LEMP as a DCO Requirement. As this is a minor change to clarify existing language rather than adding a new commitment, the OLEMP update will be provided at D5 rather than D4 to allow for the possibility of any other requests for revisions arising in association with the hearings and minimising the number of revisions submitted.</p>
Q2.1.3	<p>Question: <i>Paragraph 12.45 of the Applicant Response to the Local Impact Report [REP3-008] indicates a legal agreement could be pursued in relation to monitoring. Is the Council satisfied with the applicant's response, which relies on control documents and the draft Development Consent Order (dDCO) requirements, as opposed to a legal agreement? [Addressed to Cumberland Council]</i></p> <p>Response:</p> <p>The Applicant notes that this question is directed to the Council. However, the Applicant feels it is beneficial to provide a response because the question is based on an interpretation of the Applicant's response in the ARLIR [REP3-008] to the Council's LIR [REP3-008], which does not reflect what the Applicant had intended in making the ARLIR response.</p> <p>The Council's LIR set out the following on biodiversity and ecological matters: <i>'The Council considers it crucial to ensure a suitable monitoring regime is in place for the lifetime of the development. The Council would expect such a monitoring fee to be secured either through the detailed provisions of the DCO itself or a legal agreement'</i></p> <p>The Applicant's response in the ARLIR is:</p> <p><i>'Mandatory BNG does not apply to NSIPs, The requirement for monitoring to be undertaken would be secured by the DCO The OLEMP, at section 6, secures the regular monitoring of habitats and planting within the Site throughout the operational phase, including where necessary repeat surveys. The LEMP will be updated every five years to assess the progress towards desired habitat conditions set out in the OLEMP.</i></p> <p><i>The Applicant would therefore have a legal obligation to undertake the monitoring for the duration of the Proposed Development (including construction, operational and decommissioning phases) and would not anticipate that it would be necessary to enter into a separate legal agreement with the Council to undertake this monitoring. The Applicant's financial standing, and ability to develop the Proposed Development and meet its commitments is described within the Funding Statement [APP-015], sections 3 and 4. . . .'</i></p> <p>In this response the Applicant intended to convey for the Council, which more typically deals with TCPA projects where BNG is applicable, that as an NSIP the Site does not have a mandatory BNG obligation to which a monitoring fee might be applicable as per the Planning Practice Guidance (PPG)¹ (Paragraph: 028 Reference ID: 74-028-20240214). It then sets out the ways in the DCO itself imposes an obligation for various types of monitoring</p>

¹ Gov.UK. 2024. Biodiversity Net Gain. Available from: <https://www.gov.uk/guidance/biodiversity-net-gain>. Accessed October 2025.

No.	Question / Applicant's Response
	<p>via requirements for compliance with control documents (particularly the LEMP). This is because the OLEMP mandates a minimum of annual monitoring which will inform an updated LEMP to be provided for the Council's approval every 5 years. The Applicant also commits (within the OLEMP) to providing annual monitoring to the Council on request, if the Council would like more regular updates on conditions and progress toward the BNG commitments secured by the first iteration of the final LEMP as per Q2.1.2.</p> <p>The Applicant response in the ARLIR was not intending to suggest or indicate that a legal agreement could be pursued for monitoring. The ARLIR advises why the Applicant does not consider this necessary. It then sets out that the application's Funding Statement provides assurances that the Applicant will be able to meet its monitoring obligations as secured by the OLEMP (DCO Requirement 7).</p> <p>The Applicant and the Council have agreed that the monitoring regime in the OLEMP provide security on the delivery of the LEMP and a mechanism of oversight by the Council. This position is formalised within the dSoCG between the Council and the Applicant, including CC.LLFA.8, which states: <i>'It is agreed that the OLEMP secures the management and monitoring of the planting and grazing on-site.'</i> And in CC.EC.3, which states: <i>'It is agreed that the ongoing monitoring set out in the OLEMP provides appropriate 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.'</i></p> <p>While it will be for the Council to provide its response to this question, and the Council could take a position that is different to the Applicant's which would require further engagement between parties, the Applicant is providing this response to clarify that the Applicant did not intend to indicate that a legal agreement could be pursued, does not consider that there would be a need or basis for such an agreement, and considers that monitoring will be legally secured by DCO Requirement 7. Therefore, the appropriate way to secure Site monitoring to the Council's satisfaction is through the content of the outline control documents such as the OLEMP and/or the final LEMP which will be subject to the Council's approval. Based on the dSoCG the Applicant considers this matter is resolved and agreed but will of course remain open to any additional feedback the Council may offer.</p>

No.	Question / Applicant's Response
Q2.1.4	<p>Question: <i>Appendix C [APP-156] Screening Matrix for River Derwent and Bassenthwaite Lake special area of conservation (SAC) concludes that there are no likely significant effects (LSE) from changes in species distribution (for all the qualifying features, during both construction and operation, alone and in combination). Table 4.2 also confirms this. Why has this pathway been considered in Stage 2 (paragraph 5.2.12 onwards)? Please clarify this discrepancy. If the Screening Matrix (and Table 4.2) have erroneously stated that there are no LSE on species distributions, please clarify which features have been taken forward to appropriate assessment? [Addressed to the Applicant]</i></p> <p>Response:</p> <p>It is acknowledged that this is a discrepancy and that Table 4.2 and Appendix C should identify likely significant effects (LSE) for 'Changes in Species Distributions' for construction and operation and apply to otter, Atlantic salmon and lamprey species. There are no in-combination effects for these species. That no LSE have been identified during construction or operation, both alone and in-combination, for other species is correct.</p> <p>Only otter have been considered as part of the Appropriate Assessment within the sHRA [APP-156] with the impact pathway and mitigation described in paragraphs 5.2.12 to 5.2.26. The embedded mitigation set out from paragraph 5.2.1 to 5.2.11 which relate to 'Pollution to Groundwater' and 'Siltation' will negate LSE to Atlantic salmon and lamprey species. Despite this discrepancy, there are no changes to the conclusions presented in the sHRA which have been agreed with by NE in their RR [RR-009], WR [REP2-060] and agreed as part of the dSoCG [REP2-018] The Applicant is considering the need to update Table 4.2 as part of D5.</p>

3 Climate change

Table 3.1: Climate change

No.	Question / Applicant's Response
Q2.2.1	<p>Question: <i>Further to the ExA's previous questions and subsequent responses on this general topic, the ExA remains concerned at the narrow focus of the climate change assessment. The response provided in Q2.0.5 [REP2-010] rejects a more holistic, lifecycle approach to calculating greenhouse gas emissions during each phase of the proposed development. This does not appear to be consistent with recent projects, such as Byers Gill Solar, where lifecycle approaches to greenhouse gas emissions have been advocated and reported on by the Secretary of State. Please update the climate change assessment accordingly. [Addressed to the Applicant]</i></p> <p>Response:</p> <p>In response to this question the Applicant has provided an answer below. However, it is recognised that the scope and detail of what may be needed to satisfy the ExA is better suited to a standalone Technical Note (TN). What is recommended by this question is a significant technical assessment, which the Applicant has, to date, not undertaken for reasons (see previous responses on this topic) that the Applicant considers remain reasonable.</p> <p>Such an assessment is complicated and challenging with respect to methodology, as at this stage, it has to rely on reasoned estimates and assumptions within worst-case parameters rather than on a layout and associated detailed design data which is unavailable until the pre-construction phase. Given the complicated nature of the undertaking, it was not considered prudent to seek to deliver the TN as an appendix to the AREQ2, though the Applicant will endeavour to provide a TN to supplement this response following D4. The response that follows sets out the Applicant's position as to why it is considered that a '<i>holistic, lifecycle approach to calculating greenhouse emissions</i>' is not required in respect of the Proposed Development, while also setting out the approach being taken for the TN that aims to provide additional insights the ExA may find useful.</p> <p>Background/Context</p> <p>The Applicant has responded on this subject in ExAQ1 [REP2-010] in Table 3.1, Q2.0.4 and 5: along with some expanded commentary in the Applicant Response to Issue Specific Hearing Agenda Items (Annex A) (ARISH-A) [REP3-015] at 7(B).</p> <p>The Applicant's ExAQ1 response to Q2.0.5 explains the limitations to undertaking such an assessment. This includes the difficulty in obtaining reliable, accurate information regarding the sourcing of materials to be used at this preliminary stage in the project when neither the detailed design, technical specification of equipment nor materials supply chain has been confirmed. Accordingly, the Applicant considers that an accurate and reliable <i>quantitative</i> embodied and lifecycle assessment of carbon emissions is not possible for the Proposed Development. The Applicant maintains that an adequate and sufficiently robust conclusion of embodied and lifecycle carbon emissions has been provided by the qualitative lifecycle assessment in</p>

No.	Question / Applicant's Response
	<p>ES Chapter 9 - Climate Change[APP-040]. A qualitative, and proportionate approach to emissions assessment is supported by the Institute of Sustainability and Environmental Professionals (ISEP), formerly IEMA, guidance (ISEP, 2022)² where data is unavailable.</p> <p>Unlike other NPS (such as the National Networks NPS) the various sections of EN-3 (in respect of solar PV development), including the 'Applicant Assessment', 'Technical Considerations', 'Impacts Mitigations', and 'Secretary of State Decision Making' do not identify any specific requirements for the consideration of embodied or lifecycle carbon emissions which is specifically required for other technologies included in EN-3 such as energy from waste and biomass.</p> <p>The consented projects reviewed by the Applicant in preparing this response are listed below. It is noted that the type of holistic assessment requested has not been expected for all made solar DCO, and while it is an increasing trend, the Applicant expects this may be because schemes are generally becoming larger and more impactful, and further detail or evidence as to claimed significant climate change benefits may have been needed for their planning balance. For example, many other sites include large areas of best and most versatile (BMV) agricultural land which required additional justification, or are associated with land take and impacts with more potential for significant adverse effects or with more uncertainties such as a very long cable route to the grid which is associated with energy losses, or includes an atypical overplanting scenario or MW/acres capacity for which additional reasoning is needed, or are concentrated in parts of the country where cumulative impacts are a more serious concern and subsequent projects face a higher threshold for their planning balance. These are all reasons why more in-depth assessments could be necessary, but these are project and/or applicant specific. No blanket approach is expected, and all solar DCO approach such assessments differently except where one applicant is promoting multiple projects.</p> <p>The Proposed Development is located in an area that is not saturated by large scale solar farms, on land which is entirely poor quality agricultural land, is accessible without major impacts on roads or local villages, appears to be supported in-principle by the Council and LDNPA and statutory consultees, and has generally lacked the volume/intensity of main issues typical of nationally significant solar farm infrastructure projects, so can reason rely on the common sense conclusion that the Proposed Development will intrinsically deliver a net benefit to climate change.</p> <p>ES Chapter 9 concludes that the Climate Change effects are '<i>negligible</i>' and '<i>not significant</i>' at the national level. In addition, almost all matters, in terms of the approach to mitigating any potential significant impacts associated with the Proposed Development have been addressed through agreement with the Council, LDNPA, the Environment Agency, Natural England, and National Highways.</p> <p>There are very limited matters which the ExA needs to consider against the benefits of the Proposed Development as critical national priority infrastructure. In addition, in its Scoping Opinion the Inspectorate indicated on the subject of '<i>Impact of the provision of renewable energy on climate</i></p>

² ISEP (2022) EIA Guidance on assessing greenhouse gas emission and significance. 2nd edition.

No.	Question / Applicant's Response
	<p><i>change – construction and decommissioning</i> that, <i>'[t]he Inspectorate is content to scope out this matter on the basis that no energy will be transported to the national grid during construction or decommissioning.'</i></p> <p>This indicates that the expected phase where the Proposed Development is relevant to climate change considerations is the operational phase, and that is because of the positive contribution the generating station can make to the grid, and not because it is anticipated that the effects could be adverse. On this basis, the Applicant view is that the request from the ExA during the Examination for a detailed analysis of GHG emissions as a holistic lifecycle assessment is not required for the ES to comply with the Scoping Opinion whereby, <i>'the applicant should instead provide information proportionate to the scale of the project on the likely significant environmental, social, and economic effects'</i>, and is therefore not required by policy or law.</p> <p>The Applicant's approach accords with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, that require an assessment of 'likely significant effects' on the environment. The Applicant's submitted qualitative assessment of embodied and lifecycle carbon emissions concludes that they would not be significant, in this case for a project whose purpose is to generate renewable energy and accelerate the decarbonisation of the economy.</p> <p>With regard to climate change, ISEP guidance (2022) provides that a project which is fully in accordance with measures necessary to achieve the UK's trajectory to net zero would not have significant adverse effects. Based on ISEP guidance, the nature of the Proposed Development and the policy context that emphasises the role of solar projects in achieving net zero by 2050, a quantitative lifecycle carbon assessment is not required to reach the conclusion that the Proposed Development will not have significant adverse effects.</p> <p>Next Steps</p> <p>Notwithstanding the above, because the ExA has not been satisfied by the Applicant's previous responses, an indicative, quantitative assessment of the Proposed Development's likely carbon emissions during the construction, operation and decommissioning lifecycle stages is in progress and will be offered as a supplemental a TN after D4. The limitations regarding the specification, procurement, and transport of solar materials and equipment will be stated, reflecting the Applicant's position set out in the ES chapter and within previous responses to the ExA.</p> <p>The figures in the carbon assessment will differ from those used in ES Chapter 9 – Climate Change as they reflect carbon emissions derived from assumptions on materials, transport (including shipping) and waste associated with the Proposed Development, as well as using more recent carbon factors which are typically updated on a yearly basis. This in turn provides a more granular assessment of carbon emission figures. The methodology of the assessment to be undertaken is detailed below.</p>

No.	Question / Applicant's Response
	<p><u>Lifecycle and Embodied Carbon Assessment Methodology</u></p> <p>Direct and indirect carbon emissions for the Proposed Development will be assessed. The carbon assessment will meet the criteria set by the ExA providing clarification on whole-life emissions (including Scope 3 emissions) associated with the Proposed Development, including construction, operation and decommissioning stages.</p> <p>The method will apply the ISEP guidance³, PAS 2080⁴ and the Royal Institution of Chartered (RICS) Surveyors Guidance⁵.</p> <p>The metric for assessing carbon emissions is units of CO₂ equivalent (CO_{2e}). This allows the use of Global Warming Potential (GWP) for the emissions of the seven key GHGs to be expressed in terms of their equivalent GWP as a mass of CO_{2e}.</p> <p>The carbon emissions will be calculated by multiplying assumptions on indicative project activity data provided by the Applicant by relevant carbon factors sources from the industry accepted sources, such as DESNZ GHG Conversion Factors 2025⁶. All carbon factors used within the assessment will be set out within the TN. The calculation used is as follows:</p> <p><i>Activity data x GHG emissions factor = GHG emissions value</i></p> <p>The scope of activity data and assumptions behind project information vary considerably across solar schemes. As outlined in the Applicant's response to the ExA's first written questions, the variability regarding the parameters used in these calculations often means their usefulness is unclear. In the absence of a validated approach to quantifying these emissions and detailed project information, a comparative study has been completed and will be set out in the TN.</p> <p>In total, 15 climate change assessments for DCO solar farms, including appendices and associated technical notes or addendums submitted during Examination, have been reviewed by the Applicant However, not all projects provide information on the carbon calculations undertaken as part of their</p>

³ , ISEP (2022) Assessing Greenhouse Gas Emissions and Evaluating their Significance. [Online] Available here: https://www.iema.net/media/xmgpook/2022_iema_greenhouse_gas_guidance_eia.pdf Accessed: 27/10/2025

⁴ British Standards Institute, BSI (2023) PAS 2080:2023 Carbon management in Infrastructure. BSI Standards Limited

⁵ RICS (2024) Whole life carbon assessment for the built environment. [Online] Available here: https://www.rics.org/content/dam/ricsglobal/documents/standards/Whole_life_carbon_assessment_PS_Sept23.pdf Accessed: 27/10/2025

⁶ DESNZ (2025) GHG Conversation Factors 2025 Full Set. [Online] Available here: <https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2025> Accessed: 27/10/2025

No.	Question / Applicant's Response
	<p>carbon 'assessment', and there is significant variation in the information provided by applicants as to how conclusions have been reached on things like embodied carbon.. Reviewed projects include the following (those projects that are not yet decided are indicated by an asterix.:</p> <ul style="list-style-type: none"> • Fenwick (EN010152)* • Springwell (EN010149)* • East Yorkshire (EN010143) • Tillbridge (EN010142) • Helios (EN010140)* • Byers Gill (EN010139) • Stonestreet Green (EN010135) • Cottam (EN010133) • West Burton (EN010132) • Mallard Pass (EN010127) • Heckington Fen (EN010123) • Oaklands (EN010122) • Longfield (EN010118) • Little Crow (EN010101) • Cleve Hill (EN010085) <p>Of the 15 projects reviewed, the following solar projects were the only climate chapters to provide an assessment of lifecycle carbon emissions <i>and</i> provided some detail on source data, assumptions and limitations (although this is not the case for all data). These projects have been used to inform the carbon assessment to be provided in the forthcoming TN and include Byers Gill, Springwell, Longfield, West Buron, and Cottam.</p>

No.	Question / Applicant's Response
Q2.2.2	<p>Question: <i>Please provide further detail regarding overplanting. This could be included as approximate figures and an approximate ratio. Other examples to give approximate figures may assist in calibrating overplanting levels. Notwithstanding the reasons set out in the ExAs previous written requests, the reason for this request is so that the ExA can better understand the proposed land take and justification in relation to the compulsory acquisition and temporary possession. [Addressed to the Applicant]</i></p> <p>Response:</p> <p>The Applicant has responded on overplanting in the ARISH-A [REP3-015] at D3. This draws on policy in EN-3 to confirm that a degree of overplanting is standard practice on UK solar farms for output optimisation. It demonstrates that the MW per acre for the Proposed Development accords with national policy (EN-3, 2.10.17) and therefore there is not potential for an unreasonable amount of overplanting. This response will expand further on the principle of overplanting; will discuss overplanting potential for the Site; provide comparisons with other solar DCO schemes; and will set out the Applicant's position on the proposed land take.</p> <p><i>The Principle of Overplanting</i></p> <p>The Proposed Development benefits from a connection agreement with Electricity North West Limited (ENW) for a 150MW export capacity. A scheme without overplanting may not achieve its export capacity due to system losses and the reality of sub-optimal generation conditions which includes external factors like hours of daylight and cloud cover. In addition, a generating station first powers itself for the operation of inverters, monitoring equipment, CCTV, etc. before exporting, and energy is also lost in transmission and conversion before it can be exported.</p> <p>A 150MWdc generating facility cannot export 150MWac all of the time, even in optimal conditions with no degradation. A PV generating station without overplanting would under-deliver and fail to maximise the connection offer. Overplanting is the only way to deliver a well-designed (engineered) solar farm that operates efficiently and can be relied on for reasonably consistent output over time in variable weather conditions over a year.</p> <p>Broadly, a reasonable level of overplanting provides the following:</p> <ul style="list-style-type: none"> • It offsets degradation of panels over time, achieving more hours at 150MW over the lifetime of the Scheme. This is acknowledged in NPS EN-3; Para 2.10.55 of NPS EN-3 states that '<i>Applicants may account for this [degradation of output over time] by overplanting solar panel arrays</i>'. Degradation of panels is the reduction in peak watt output (Wp) that can be achieved by a panel over time. It occurs due to factors such as corrosion, delamination, oxidation, etc, due to the panels' exposure to the air and weather. Degradation is typically about 0.5% per annum for well-maintained equipment in ideal conditions (e.g., excluding extreme weather) which is an assumption adopted by the majority of solar DCOs. • Overplanting also puts more DC generation capacity on the ground which means that when conditions are sub-optimal, more electricity is generated and exported than would be the case if there was no overplanting, maximising the utility of the export capacity agreement. This means for a few hours a day (in the right weather conditions), there is potential for maximum generation beyond what can be exported, with production capped by the PCS (inverters) such that energy would be lost as only a maximum of 150MWac can be exported. However, <u>the geography and climate of the UK</u>

No.	Question / Applicant's Response
	<p><u>means peak/optimal conditions are significantly less prevalent than sub-optimal conditions, and overplanting is therefore an essential part of good design for a UK solar farm intended as critical national priority infrastructure for the transition to a zero carbon grid.</u></p> <p>Legal background</p> <p>The ExA will note the following cases on overplanting:</p> <ul style="list-style-type: none"> • In <i>R (Galloway) v Durham County Council [2024] EWHC 367</i>⁷, (Galloway) The judge found that in the specific factual circumstances of that case, whether the footprint of proposed solar panels was larger than was required for a solar farm of that capacity. was an '<i>obviously material consideration</i>' which the decision-maker should have considered as part of its planning assessment. • In <i>Ross v Secretary of State for Housing, Communities and Local Government and Renewable Energy Systems Ltd [2025] EWHC 1183</i>, (Ross)⁸ the Court found that overplanting for reasons other than panel degradation was not inconsistent with NPS EN-3 and is acceptable if the following conditions are met: that overplanting 'can be justified'; that the NSIP installed capacity threshold is not exceeded; and that the impacts of the proposal are assessed by reference to their full extent. The <i>Ross</i> case also clarified that the court in <i>Galloway</i> was not laying down a general rule that a decision-maker is required to look as whether capacity could be achieved with less overplanting and/or on a smaller area; there were particular circumstances in <i>Galloway</i> which meant that this was required to be considered. <p>Overplanting may be necessary, as per Footnote 92 of EN-3, to account for degradation in panels over time, to optimise performance to compensate for sub-optimal factors, and to meet self-consumption demand.</p> <p>Overplanting Potential for the Site (Figures and Ratios + Comparisons)</p> <p>The Applicant considers that the figures and ratio have been provided in the ARISH-A can be relied on to support this response. EN-3, para 2.10.17 states that: '<i>Along with associated infrastructure, a solar farm requires between 2 to 4 acres for each MW of output. A typical 50MW solar farm will ... cover between 125 to 200 acres. However, this will vary significantly depending on the site, with some being larger and some being smaller</i>'</p> <p>The area of Work No.1 – Solar PV infrastructure is 167ha (414 a), which equates to 2.76 acres per MWac. This is below the median of the range noted as typical in EN-3. This is conservative in that it includes land where Work No. 1 overlaps with Work No.2 (whereby approximately 1.2 ha will be Grid Connection Infrastructure and not Solar PV infrastructure). There are other areas of Work No 1 which will be access tracks, buffers to perimeter fencing, exclusions for 11kv overhead lines, exclusions for landscaping/shade, etc. The area of land within the Site proposed for solar arrays (Work</p>

⁷ *R (Galloway) v Durham County Council [2024] EWHC 367*. England and Wales High Court (Administrative Court)

⁸ *Ross v Secretary of State for Housing, Communities and Local Government and Renewable Energy Systems Ltd [2025] EWHC 1183*. England and Wales High Court (Administrative Court)

No.	Question / Applicant's Response
	<p>No. 1, representing dc availability) in relation to the export capacity (150MWac) is as-expected per EN-3, without accounting for required or likely exclusions, and there is nothing to signify the potential for an unreasonable amount of overplanting.</p> <p>The following reflects data from other made solar DCOs based on the area available for generation equipment (Work No 1) and the stated export (ac) capacity of each along with installed capacity (dc) where this information is readily available. For the purpose of the comparison, it is considered appropriate to base this on Work No. 1 and not the Order Limits of a site which can include large areas for cable corridors, exclusions for PRoW and biodiversity enhancements, buffers to watercourses or utilities, etc. Considering Work No. 1 for an exercise such as this has been validated by the ExA on other solar DCOs including East Yorkshire and Mallard Pass, with the ExA noting in the Recommendation Report for Mallard Pass at 3.2.102:</p> <p><i>In terms of the scale of the PV array areas, and acres per MW (2.9), the ExA agrees that the Proposed Development falls within the range (between 2 to 4 acres per MW) identified in paragraph 3.10.8 of 2023 draft EN-3. This is based on the assumption, as argued by the Applicant, that the range is intended to include 'associated infrastructure' as stated but not mitigation and enhancement areas. It is noted that, if the whole of the Order Limits were to be included, then the ratio figure would be significantly higher, noting the extent of mitigation and enhancement areas required in this case. However, we consider that this could reasonably vary from case to case, based on the project specific circumstances.</i></p> <p>Made DCOs reviewed for comparison, as requested by the ExA, include:</p> <ul style="list-style-type: none"> • Stonestreet Green (EN010135): 99.9 MWac with a Work No. 1 area of approx. 318.76a which equates to 3.19 acres/MWac • Tillbridge (EN010142): 500 MWac with a Work No. 1 area of approx. 1827.5a, which equates to 3.7 acres/MWac • East Yorkshire (EN010143): 400MWac with a Work No. 1 area of approx. 2388a, which equates to 6.0 acres/MWac • Byers Gill (EN010139): 180 MWac with a Work No. 1 area of approx. 739a, which equates to 4.1 acres/MWac • Cottam (EN010133): 600 MWac with a Work No. 1 area of approx. 2217.5a, which equates to 3.7 acres/MWac • West Burton (EN010132): 480 MWac with a Work No. 1 area of approx. 1253.9a, which equates to 2.6 acres/MWac • Mallard Pass (EN010127): 240 MWac (350MWdc) with a Work No. 1 area of approx. 1036.3a, which equates to 4.3 acres/MWdc (2.97 a/MWac) • Heckington Fen (EN010123): 400MWac (500MWdc) with a Work No. 1 area of approx. 721.5a, which equates to 1.8 acres/MWac (1.4 a/MWdc) • Oaklands (EN010122): 135 MWac with a Work No. 1 area of approx. 279.2a, which equates to 2.1 acres/MWac • Little Crow (EN010101): 99.9MWac (150MWdc) with a Work No. 1 area of approx. 378.1a, which equates to 3.8 acres/MWac (2.5 a/MWdc) <p>While the list includes outliers under and over the EN-3 'typical' range, the majority are within this range, and the average of the above is 3.5 a/MWac which is, on-average, higher within the 2-4a/MW band than the Proposed Development at 2.76 a/MWac.</p>

No.	Question / Applicant's Response
	<p>Based on reviews of recommendation reports, ExAQ responses, and relevant application documents for the above schemes, typical overplanting ratios appear to be between 1.2-1.5, although this is dependent on site and project specific factors such as the type of solar technology being utilised (tracker arrays vs fixed) and the nature of any battery storage being included (e.g. for storage of excess output or as a BESS facility in-itself)</p> <p>At this stage, without the benefit of the assessments necessary for detailed design, the Applicant anticipates overplanting for the Proposed Development will likely be within the lower end of this the 1.2-1.5 range. This will most likely be 1.2 - 1.4 which could mean an installed capacity of around 180-210MWdc of panels. Less than 180MWdc is not likely, but between 200-210MWdc (1.3 - 1.4) is, from an engineering perspective, a reasonable optimal target. At present, it is considered that around 1.3 is most likely based on current best available technology panels on the market. It is not considered that there is a likely probability of overplanting scenario >1.4 due to the limited land available within the Order Limits for Work No. 1, and uplift from the possibility of future higher wattage PV panels is not considered likely due to the objective of rapid implementation post-consent.</p> <p>The Applicant recognises that 1.2-1.3 is at the lower end of the scale for overplanting compared to the majority of solar DCOs, and notes that the ExA has questioned the 'ambition' of applicants not seeking a higher overplanting ratio, as per the East Yorkshire Solar Farm Recommendation Report at 3.2.72/ Although it is noted in that instance the ratio of 1.2 for overplanting is being contrasted with the 6.0 acres/MWac land take, whereas the Applicant does not have a similar signifier of inefficiency when comparing the 1.2-3 range with the 2.76 a/MWac land take.</p> <p>The Applicant also notes the ExA supporting the use of land to allow overplanting beyond the typical ratio, such as for the Byers Gill project with a 1.6 ratio for a dc capacity which is >100MW more than the 180MWac (see that Recommendation at 4.2.8). That overplanting reduces the MW/a from 4.1 based on ac capacity, to 2.6 based on dc capacity, bringing it from 'without' to 'within' the EN-3 typical range only through overplanting.</p> <p>The above analysis should sufficiently demonstrate that there is nothing to indicate the Proposed Development is seeking an unreasonable amount of land to support overplanting or that there is potential inefficiency in Work No. 1. All of the land within the Order Limits that is required for the Proposed Development is both necessary and proportionate. Further detail in relation to justification for the proposed land take is set out in the Statement of Reasons [APP-014]. The Applicant has entered into voluntary agreements for all of the land required for PV development (Work No. 1).</p> <p><i>Land Use Efficiency</i></p> <p>The Applicant has demonstrated that the Proposed Development's land take for energy generation equipment is within the typical range (and within the lower end) as set out in NPS EN-3. The Applicant has also advised that overplanting is likely to be within a 1.2-1.4 range, but is unlikely to be >1.4 due to the small scale nature of the Site which faces constraints on Work No 1 for watercourses, utilities infrastructure, the Potato Pot Wind Farm (the Wind Farm), and the need for buffers to designations such as the replated Ancient Woodland to the west of Area C.</p>

No.	Question / Applicant's Response
	<p>With the Order Limits, which are 276.5ha, Work No. 1 (167.67ha) represents approximately 61% of the Site, while Work No. 6 - Green Infrastructure is 90.54ha and 32.75% of the Site. Remaining areas include Area D which encompasses the public highway (5ha / 2%) and the exclusions for the Wind Farm where a cable and access corridor will be required for the Proposed Development.</p> <p>Areas excluded for Work No. 6 are required as standard best practice (buffers to ancient woodland and watercourses) or are necessary for the Proposed Development to deliver its overarching vision (as per the Design Approach Document (DAD) [APP-029] of '<i>a renewable energy generating station that contributes to net-zero commitments and energy security, and which embodies the concept of Green Infrastructure ('GI') by providing multi-functional benefits to address the joint climate and biodiversity emergency.</i>'</p> <p>Many of the Work No 6 areas are within/surrounding Work No 1 and are necessary exclusions for the retention of vegetation and watercourse buffers but could not be excluded from the Order Limits due to the way they form parts of the fields that include Work No. 1. The only part of the Site which is not needed for a PV generating station in-itself (with no expectation of a BNG contribution), are parcels to the south of Area C excluded from Work No. 1 primarily for reasons relating to landscape and visual, ecological, and cultural heritage impacts as well as consideration of residential receptors.</p> <p>If land within Work No. 6 to the south of Area C was excluded from the Order Limits it would compromise the ability to introduce planting bands which help break up long distance views from the LDNP, which is essential mitigation for the land within Work No. 1. It would also prevent the provision of a new permissive path providing a new off-road north-south connection for recreational use. At present Area C is formed by defined boundaries which enables a coherent land use and green infrastructure strategy. To exclude from the Site would result in unnatural parcels which do not benefit from existing road access and are disconnected (cut off from) the remainder of the farm by intervening PV, which would make them more costly to farm and could undermine interest in a lease. Continued farming in this upstream area would also undermine the riparian corridor habitat targets across the remainder of the Site and negate potential water quality and nutrient neutrality contributions. Most significantly, the loss would prevent the Applicant from delivering the meaningful ecological enhancements expected by the NPS (e.g. EN-3 at 2.10.89).</p> <p>Ecological enhancements are needed to enable the Applicant's BNG commitments, and are not considered to contribute an inefficient use of land. It is noted that much of the land south of Area C where Work No. 1 is excluded is also part of the Dean Moor County Wildlife Site (CWS). The total area of the CWS is 104ha, of which 58.21ha (56%) is within the Site. There are 46.84ha of CWS in Work No 6 meaning >50% Work No.6 is ecologically designated. As reported in ES Chapter 8 – Biodiversity [REP2-053] much of the CWS within the Site is in a poor state and has lost the qualifying features for which it was designated due to the intensive grazing use. Along with the overall BNG opportunity of the Proposed Development, the potential for nature recovery of the CWS through the retention of this land in the Order Limits represents an efficient and justified use of land. The</p>

No.	Question / Applicant's Response
	<p>Applicant also notes the ExA support for the retention of land in Order Limits dedicated to ecological enhancement and excluding energy generation equipment, consistently across all solar DCOs).</p> <p>The Applicant must be satisfied that the Proposed Development is deliverable, and therefore flexibility is incorporated into the parameters to account for the known-unknowns associated with further studies such as geotechnical surveys, ground investigations into potential mine shafts, and other studies which could reduce the extent of solar arrays within Work No.1. Therefore, some land is included within Work No. 1 where exclusions may be preferred (e.g. 11ha of overlap between Work No. 1 and the CWS) but where this cannot be considered due to the need to have sufficient land to cope with potential for exclusions which could compromise the ability to deliver the export capacity allowed by the ENW connection agreement.</p> <p>Conclusions</p> <p>The Applicant considers that the principle of overplanting is established by the NPS and has been affirmed by examining authorities (and by recent case law) whereby overplanting is considered reasonable provided that the electricity export does not exceed the installed capacity threshold for the generating station and impacts are assessed on this basis. (EN-3, Footnote 92).</p> <p>The Applicant has demonstrated that the Proposed Development's land use is with the range specified as typical by EN-3 for acres per MW at EN-3, Paragraph 2.10.17 and has provided comparisons with other made DCOs showing that the Proposed Development is not inconsistent with other consented schemes, and there is nothing to indicate inefficient use of land, or the inclusion of land within the Order Limits which is not required, or the potential for an amount of overplanting which is unreasonable.</p>

4 Environmental Statement

Table 4.1: Environmental Statement

No.	Question / Applicant's Response
Q2.3.1	<p>Question: <i>Cumulative effects – the applicant should update SoCGs in order to ensure that the latest position as set out in the additional cumulative schemes table 1.1 [REP3-008] is properly understood and considered in relation to specific topics. [Addressed to the Applicant and relevant interested parties]</i></p> <p>Response:</p> <p>A 'Cumulative Assessment Note', as a technical note (TN), submitted as Appendix A of the D3 ARLIR [REP3-008]. The TN considered the Proposed Development's likely significant cumulative effects when considered against an additional 31 cumulative schemes requested for consideration by the Council in email correspondence on 11 and 14 August 2025, in the context of the cumulative schemes already assessed as set out in ES Chapter 11 - Cumulative Effects and Residual Effects Summary [APP-042] for likely significant cumulative environmental effects with the Proposed Development.</p> <p>The conclusions of the Cumulative Assessment Note confirm that, taking into consideration the additional 31 cumulative schemes there is no change to the cumulative assessment provided by ES Chapter 11, and there are no likely significant cumulative effects resulting from the Proposed Development and these schemes requiring them to be 'scoped-in' to ES Chapter 11.</p> <p>This TN was shared with the Council in advance of D3 and the outcomes discussed as part of the dSoCG process. The Council's acknowledgement of the Applicant's consideration of the additional schemes and agreement as to the conclusions of the TN are reflected in and CC.LPA.7 in the D3 dSoCG [REP3-019]. The Council have indicated that the conclusions of the TN, that these additional cumulative schemes do not result in further significant cumulative effects requiring consideration within the applications' ES are robust within the D4 dSoCG [D4.10].</p> <p>It is considered that, if the Council had any concerns about any specific schemes which are coming forwards, they would have raised them through the topic-specific discussions which took place with each of the Council's departments. However, no such concerns were raised, and beyond the agreement at CC.LPA.7, topic specific agreement on the residual cumulative effects is captured by the rows 'matters agreed' rows for landscape (CC.L.3 and 12), ecology (CC.EC.4), and transport (CC.LHA.10). However, it is acknowledged that the language within CC.LPA.7 was not as clear as it could be on this matter and therefore this row of the dSoCG has been updated to provide greater certainty [D4.10].</p> <p>Given that there are no likely significant cumulative effects resulting from the Proposed Development and these schemes, it has been determined that they do not need to be scoped-in to the ES, and therefore the list of additional schemes provided by the Council in August do not need to be shared</p>

No.	Question / Applicant's Response
	<p>with consultees to inform any updates to dSoCGs, as there are no new effects for which consultation may be relevant. And, the TN was published at D3 and is therefore available to consultees with whom the Applicant is regularly engaging, and who have not raised cumulative schemes as a matter requiring further discussion. Whilst the Applicant will remain open to continual engagement with all consultees on cumulative impacts or any other matters it is not intended to seek to update dSoCG with consultees other than the Council due to the lack of cumulative effects as established by the TN and affirmed by the Council.</p>
Q2.3.2	<p>Question: <i>Please clarify whether you are satisfied with the applicant's updated appraisal of relevant schemes to be considered cumulatively as set out in appendix A (cumulative assessment note) of the applicant response to Cumberland Council's response to ExA's first written questions [REP3 008], and the associated documents. [Addressed to the Council]</i></p> <p>Response:</p> <p>This question is for the Council and the Applicant's understanding of the position as it relates to this question is set out in response to D2.3.1.</p>
Q2.3.3	<p>Question: <i>Please respond to the applicant's response to the local impact report [REP3-008]. It may be more efficient to include separate sections within the dSoCG, if you are able to agree with the applicant, which addresses each of the points in the local impact report. Otherwise please provide a response in tabulated form. [Addressed to the Council]</i></p> <p>Response:</p> <p>The Applicant notes that this question is addressed to the Council. From the Applicant's perspective all matters in the LIR [REP2-058] were addressed in dSoCG submitted at D2 and D3 or have informed impending updates to be provided at D4. The ARLIR [REP3-008] was also written so as to reflect the Applicant's best understanding of the ongoing engagement between the Applicant and the Council following the D2 LIR and ahead of the D3 ARLIR, and the Applicant sought to accurately represent what the Applicant considered to be the detail behind the shared position between parties as represented in the dSoCG.</p>

No.	Question / Applicant's Response
Q.2.3.4	<p>Question: <i>Please clarify whether you are satisfied with the applicant's overall approach/methodology and conclusions regarding the potential impact of the scheme on the living conditions of occupiers of properties (i.e. residential amenity). [Addressed to the Council]</i></p> <p>Response:</p> <p>The Applicant notes that this is a question for the Council. However, from the Applicant's perspective it is considered that the dSoCG with the Council [D4.10] directly or indirectly sets out a shared position regarding the approach / methodology of assessment, and mitigation measures, in relation to the impact of the Proposed Development on the living conditions (amenity) of proximate residential receptors.</p> <p>This is reflected across the dSoCG with the Council [D4.10] for different disciplines and Council departments including Environmental Health (EHO) (re: noise, glint and glare, contaminated land, air pollution, waste management), Lead Local Flood Authority (flood risk and drainage impacts), the Local Highway Authority (LHA) (re: traffic and transport impacts) and Landscape and Visual impacts.</p>

5 Landscape and Visual Effects

Table 5.1: Landscape and Visual Effects

No.	Question / Applicant's Response
Q2.4.1	<p>Question: <i>The LDNPA state that there would be 'minor harm' with regards visual effects as set out in paragraphs 4.1 and 4.3 [REP3-028]. The currently agreed position as set out in the SoCG [REP3-017] is that there would be no significant landscape impacts on the LDNPA. The ExA seeks additional clarification on this point in the context of section 11A National Parks and Access to the Countryside Act 1949 (as amended). The SoCG should set out whether the 'minor harm' asserted by the LDNPA is a position which is agreed/disagreed between the parties. It should also set out the implications of this identified harm in the context of the National Planning Policy Framework's requirement to give 'great weight' to conserving and enhancing landscape and scenic beauty (para 189). It should identify whether there would be residual harm to the landscape and conflict with the National Park's statutory purposes. In carrying out the above exercise, and if there is a finding of residual harm to the landscape, then the benefits and mitigation measures should be weighed clearly and properly against the statutory purposes in order to help the ExA determine whether the scheme seeks to further the statutory duties as required by the Act. [Addressed to the Applicant/the Lake District National Park Authority]</i></p> <p>Response:</p> <p>The Applicant notes that this question is partially addressed to the LDNPA. As this is and has been the subject of engagement between the Applicant and the LDNPA the Applicant would like to take the opportunity to set out its position on the matter which the Applicant also considers to be the shared position based on the D3 dSoCG [REP3-017].</p> <p>The Proposed Development is approximately 3.2km from the closest part of the LDNP and therefore lies outside of the National Park designation. In accordance with EN-1 (5.10.7) '<i>Projects should be designed sensitively given the various siting, operational, and other relevant constraints</i>', and for development that could cause harm within them but is located beyond the boundary there is a '<i>duty to seek to further the purposes of nationally designated landscapes</i>' (5.10.8).</p> <p>As set out in the D3 dSoCG, the Applicant has sought to avoid and/or mitigate harm to the LDNP through measures that are embedded in the design of the Proposed Development or secured as additional mitigation. The LDNP has been a key consideration from the start, influencing the ES Chapter 7 – Landscape and Visual Impact [REP2-032] assessment methodology, Site selection, the parameters for the siting of infrastructure within the Site, and the design of a landscape strategy, (as summarised in section 5 of the DAD [APP-029]). The Proposed Development has had due regard to the purposes of the National Park for the reasons outlined above, and it is the Applicant's understanding that the LDNPA is satisfied that the application reflects due regard for conserving and enhancing the landscape and scenic beauty, and furthering the statutory purposes, of the LDNP.</p>

No.	Question / Applicant's Response
	<p>Furthermore, with regard to the provisions of section 11A National Parks and Access to the Countryside Act 1949 and the minor harm identified by the LDNPA, the Applicant's own assessment is aligned with the LDNPA conclusions as per ES Chapter 7 (section 7.7 and 7.9) and its associated appendices. The Applicant considers the minor harm is relevant in relation to visual amenity, as opposed to the landscape (either as a designation, its character of its features) as per ES Appendices 7.2 Schedule of Landscape Effects [APP-120] and 7.3 Schedule of Visual Effects [REP2-036]</p> <p>In summary ES Chapter 7's Landscape and Visual Impact Assessment (LVIA) concludes no significant landscape effects to the LDNP's National Park designation or the landscape character of this designation. The LVIA identifies a negligible adverse visual magnitude and significant effect from a limited area of the north west LDNP high fells (e.g. Fellbarrow approximately 5km and Low Fell approximately 8km to the east) with potential for occasional long-distance views, with these findings resulting from the very high sensitivity of the receptors and the very small-scale visual change. This position is representative of the worst case, and these visual effects are considered reversible in the long term. This broad position is also set out in the LDNPA Response to Rule 17 letter dated 19 September 2025 [REP3-028].</p> <p>The Applicant considers that considerable regard has been had for the expectation that development with potential to affect the National Park will seek to conserve and enhance the landscape and scenic beauty in response to the LDNP's special qualities (namely a world class cultural landscape, the high fells, a long tradition of tourism and outdoor activities, and opportunities for quiet enjoyment), and that this regard is reflected in the design of the Proposed Development.</p> <p>Alongside exclusions of development and parameters (see the Design Parameters Document (DPD) [APP-028] and Work Plans [APP-007] for design constraints informed by engagement with the LDNPA, the Applicant has also collaborated with the LDNPA on the Proposed Development's landscape strategy which is intended to help break up long distance views through the introduction of new and enhanced existing landscape features around the Site perimeter and internally throughout the Site. This mitigation is secured via the LSP [REP2-046] and OLEMP [APP-145] alongside the parameters secured by the DPD and Work Plans.</p> <p>In addition to the agreed position established by the LDNPA dSoCG and the additional affirmation provided by the LDNPA in their Rule 17 response letter, validation of this position is also found in the Natural England dSoCG [D4.8] which states at NE13 on '<i>Nationally Designated Landscapes</i>' that, <i>During construction, operation, and decommissioning the proposed development will have a very low magnitude of impact on the character, setting, and Special Qualities of the Lake District National Park.</i></p>

6 Compulsory Acquisition and Related Matters

Table 6.1: Compulsory Acquisition and Related Matters

No.	Question / Applicant's Response
Q2.5.2	<p>Question: <i>Please provide a response to the applicant's updated land and rights negotiations tracker [REP3-003], particularly in relation to protective provisions concerns. [Addressed to United Utilities]</i></p> <p>Response: The Applicant has engaged with United Utilities on protective provisions. The latest on these discussions is captured within the updated Land and Rights Negotiations Tracker [D4.2]. A response is currently awaited from United Utilities.</p>
Q2.5.3	<p>Question: <i>To continue negotiations and provide an update to the land and rights negotiation tracker, as per deadline 4 - Tuesday 28 October 2025. [Addressed to the Applicant]</i></p> <p>Response: An updated Land and Rights Negotiations Tracker is submitted at D4 [D4.2].</p>

