



# Dean Moor Solar Farm

## Applicant Response to D3 Written Representations (1 of 2)

on behalf of **FVS Dean Moor Limited**

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**DEAN MOOR SOLAR FARM**  
**APPLICANT RESPONSE TO D3 WRITTEN REPRESENTATIONS (1 OF 2)**  
**PLANNING INSPECTORATE REFERENCE EN010155**  
**PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED**

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# 1 Introduction

- 1.1.1 This document has been produced for FVS Dean Moor Limited (the ‘Applicant’) to support the application for a Development Consent Order (the ‘DCO application’) for Dean Moor Solar Farm (‘the Proposed Development’) located between the villages of Gilgarran and Branthwaite in West Cumbria (the ‘Site’), which is situated within the administrative area of Cumberland Council (‘the Council’).
- 1.1.2 This Applicant Response to D3 Written Representations (ARWR-D3.1) [D4.4] is the Applicant Response to the Deadline 3 (D3) Written Representations (WRs) from the Council [REP3-029] and the Lake District National Park Authority (LDNPA) [REP3-028].
- 1.1.3 The WRs were submitted in response to the agenda items within the Issue Specific Hearing (ISH) Agenda (Annex A) (‘ISH-A’) of the Rule 17 Letter [PD-010] published by the Examining Authority (ExA) which were addressed to the Council and the LDNPA.
- 1.1.4 The Applicant has provided a response at D3 to the ISH Agenda Items (‘ARISH-A’) [REP3-015] addressed to the Applicant, as requested by the Rule 17 Letter. Those agenda items addressed to the Council and the LDNPA were also addressed by the Applicant in the ARISH-A, and it may be helpful to review that document alongside this ARWR-D3.1
- 1.1.5 The Council’s D3 WR responded to ISH items which were addressed to the Council including, (2a) the Council’s input into the dDCO to-date, (5b and c) landscape and visual matters and (6b) cultural heritage. The Council’s WR is supported by Appendix 1 ‘*Letter from Tetra Tech dated 15th September 2025*’.
- 1.1.6 The Council’s WR provides an advanced position on matters related to the ISH agenda items that reflect engagement between the Council and the Applicant following the Council’s ‘Local Impact Report’ (‘LIR’) [REP2-058]. The Applicant has also responded to the LIR in the D3 ‘Applicant Response to the Local Impact Report’ (‘ARLIR’) [REP3-008] and key

outcomes of engagement were captured in the D3 dSoCG [REP3-019].

Following the receipt of the Council's D3 WR the Applicant considers it beneficial to provide additional comments in response to that WR, which are provided at Table 2.1 of this document.

- 1.1.7 A D3 WR was also submitted by the LDNPA [REP3-028] for ISH agenda items 5a and 6b which were addressed to the LDNPA, against which the Applicant also made some comments in the ARISH-A. The Applicant has had positive engagement with the LDNPA, and this is captured within the D3 dSoCG [REP3-017], within which all matters are agreed.
- 1.1.8 The LDNPA's WR is consistent with the feedback which the Applicant has received throughout the pre-application and Examination process, and which has been considered within Table 7.2 of ES Chapter 7 – Landscape and Visual [REP2-032] and the Applicant Response to Relevant Representations (ARRR) [REP1-002].
- 1.1.9 The Applicant does not consider there to be any additional matters relevant to the LDNPA's interests since the D3 submissions including the ARISH, LDNPA WR, and dSoCG, and therefore has not submitted an updated LDNPA dSoCG at D4. The Applicant notes that the ExA has asked additional questions of the LDNPA in the 'Second Written Questions' ('ExQ2') [PD-012]. Therefore, the LDNPA dSoCG remains a draft to allow for the possibility of further matters arising, but is otherwise final and can likely be submitted as a signed final version at D5.
- 1.1.10 A D3 WR has also been provided by 12 Property FE Limited (12 Property FE) [REP3-07] in response to the Rule 17 Letter in relation to the Annex B agenda item (b) for the Compulsory Acquisition Hearing (CAH). CAH items are addressed by the applicant in the D3 Applicant Response to CAH Agenda Items (ARCAH-B) [REP3-016]. A standalone Applicant Response to D3 WR for the 12 Property FE (ARWR-D3.2) [D4.5] is also provided.
- 1.1.11 The Applicant appreciates the feedback provided by James Christopher Howell (JCH) as a post-D3 Additional Submission [AS-019]. The Applicant has previously provided responses to Mr Howell on matters including flood

risk, ecology, and community benefit, at statutory consultation [APP-022], in the 'Applicant Response to Relevant Representations' ('ARRR') [REP1-002] (in response to RR-002]), and in the 'Applicant Response to REP2-062 Written Representation' [REP3-007] (in response to REP2-062). The Applicant's position is that the feedback from JCH at D3 is broadly consistent with that provided previously, and therefore the Applicant does not have any new responses to make and does not consider it necessary to provide a further detailed response to the JCH D3 representation.

- 1.1.12 In this ARWR-D3.1 addressing the Council and LDNPA D3 WRs, the Applicant has responded where the Applicant believes that a response is required, for example if the WR includes a request for further information or clarification from the Applicant or where the Applicant considers that it is appropriate for the ExA to have the Applicant's comments on a matter raised by the Interested Party (IP) in its response.
- 1.1.13 Where an issue raised in a WR has been dealt with previously by the Applicant, for instance via a document submitted to the Examination, a cross reference to that response or document is provided to avoid duplication. Responses in this ARWR-D3.1 should, therefore, be read in conjunction with materials to which a cross reference is provided.
- 1.1.14 The Applicant has sought to respond to all material points by copying them directly or summarising them in the table below.
- 1.1.15 A lack of response should not be treated as the Applicant accepting or agreeing with the point raised. If the ExA or any party considers that a material point has not been addressed, they may raise this in their response to this document and the Applicant will consider the merits in making a direct response
- 1.1.16 No other IP was required to respond to the ExA's Rule 17 Letter Annex A or B agenda items, and no other responses have been received from IP on any other matters.

## 2 Applicant Response to the Council's D3 Written Representation

Table 2.1: Response to the Council's D3 WR [REP3-029]

Council Response to the Issue Specific Hearing Agenda Items	Applicant Response
<p><b>2. Council Input into DCO</b></p> <p><i>The Council has been in discussion with the Applicant on matters relating to the DCO prior to the submission of the application and also since the submission of the application. These discussions have focussed mainly on Schedule 2 Requirements and the scope of the management plans and other control documents.</i></p> <p><i>Through this process the Council has been able to set out its expectations for commitments which should be addressed either within the management plans or DCO Requirements. These have focussed on transport and highways matters, flood risk, statutory nuisance, landscape and visual impacts, landscaping, ecology/biodiversity, ground conditions, archaeology and heritage.</i></p> <p><i>The Council note that the draft DCO Requirements require that future management plans, which are to be approved by the Council, are substantially in accordance with the application's outline versions submitted with the application.</i></p> <p><i>The Council agrees in principle that these Requirements, management plans and other control documents appear to provide the necessary controls and mitigation to lessen the anticipated effects of the Proposed Development.</i></p> <p><i>The Council reserves the right to comment on any modifications to the DCO through the examination process.</i></p>	<p>A full response in relation to the Council's input into the dDCO in response to agenda item 2(a) is provided within Table 2.1 of the ARISH-A [REP3-015].</p> <p>The Applicant considers there is consensus as to the accuracy of the overview provided in the ARISH-A and between the parties on the dDCO status as much as possible whilst recognising the Council will continue to review the dDCO and, in particular, the control documents secured by DCO Requirements, across the course of the Examination.</p> <p>This matter was captured by the CC.LPA.10 of the dSoCG at D3 [REP3-019] and in the topic-specific rows, for example in relation to the outline control documents having been agreed as appropriate.</p> <p>Whilst CC.LPA.10 remained as a matter 'under discussion' in the D3 dSoCG this was due to a need for the Applicant to incorporate additional language around the expectation of best practice pre-application engagement for the discharge of DCO Requirements beyond engagement mandated by the Requirements. This has been added and the D4 dSoCG [D4.10] reflects this as a matter that is agreed (CC.LPA.10).</p> <p>The Applicant notes and welcomes the Council's agreement on the scope of the outline control documents.</p> <p>The Applicant and will continue to engage with the Council on the content of these documents and consult them on any updates where necessary throughout the Examination.</p>

Council Response to the Issue Specific Hearing Agenda Items	Applicant Response
<p><b>3. Landscape and Visual Impact</b></p> <p><i>The Council commissioned Galpin Landscape Architecture (GLA) to undertake a review of the submitted Landscape and Visual Impact Assessment and chapter 7 of the ES to assist in its ability to assess the landscape and visual impact effects of the proposed development (AS-005).</i></p> <p><i>It is agreed that the scope and methodology of the landscape assessment have 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.</i></p> <p><i>It is agreed that an appropriate 2.5km study area has been used and that the appropriate receptors have been assessed, including the Lake District National Park (LDNP) World Heritage Site (WHS) given its high sensitivity and importance.</i></p> <p><i>It is agreed that the assessment of landscape character areas is appropriate.</i></p> <p><i>The GLA Review informed the Councils Local Impact Report (REP2-058) which was submitted at D2. Dialogue has continued with the Applicant since the submission of the LIR to allow a further consideration of the issues raised.</i></p>	<p>The Applicant response to item 5(c) is provided in Table 5.1 of the ARISH-A [REP3-015].</p> <p>The Applicant has met with the Council to discuss the review of the Council's 'Landscape and Visual Impact Assessment – Review' (the 'LVIA Review') [AS-005] undertaken by Galpin Landscape Architects (Galpin) on the Council's behalf. The outcomes of these discussions were captured in the D3 dSoCG [REP3-019], the Applicant Response to the Local Impact Report (ARLIR-1) [REP3-008], and the ARISH-A. This agreement has been retained within the D4 dSoCG [D4.10].</p> <p>The Applicant welcomes the Council's agreement on the scope, methodology, study area, and assessment of landscape character.</p>
<p><b>3.1 Visual Effects on Residential Receptors</b></p> <p><i>In terms of the assessment of the visual effects on residential receptors a difference in the methodology used by the Applicant and the Council has resulted in a different assessment in terms of the magnitude of effects at the following properties: -</i></p> <p><b>Wythemoor Sough</b> - <i>The Council concluded that a high magnitude of change accounting for a very noticeable visual change. The Applicant considers that there would be a moderate magnitude of effect representative of a clearly noticeable change.</i></p> <p><b>Dean Cross Cottage</b> – <i>The Council consider a high magnitude of change accounting for a very noticeable visual change. The Applicant identifies a moderate magnitude of effect, representing a clearly noticeable change.</i></p> <p><b>Jackie Hill</b> - <i>The Council consider a high magnitude of change accounting for a perceptible very noticeable visual change. The Applicant identifies a moderate magnitude of effect, representing a clearly noticeable change.</i></p> <p><b>Collingate</b> - <i>The Council consider a low magnitude of change accounting for a perceptible visual change. The Applicant identifies a negligible magnitude of effect, representative of a</i></p>	<p>Noted. Please refer to the response to Table 5.1 of Item 5(b) in the ARISH-A [REP3-015] and the response to ExAQ 6.0.3 in the AAREQ1[REP2-010] for the Applicant's position on this matter, which is that there is no major disagreement as to outcomes which undermine the overall conclusions of the application for this topic.</p> <p>The matters identified by the Council as differences between parties relate to matters that are open in that they are mutually recognised as topics that cannot be closed without detailed designs (particularly a solar farm layout and the final Landscape Ecology Plan (LEP) and Landscape Ecological Management Plan (LEMP) to be provided for the Council's scrutiny and approval as DCO Requirements.</p> <p>However for the purposes of the Examination they are 'matters agreed' as per Table 2.1 of the dSoCG [REP3-019] on the basis that the overall</p>

Council Response to the Issue Specific Hearing Agenda Items	Applicant Response
<p><i>barely perceptible change. Whilst there may be differences in professional judgement over the level of effect, the Council agrees that the assessment of residual visual effects during the construction and decommissioning phases are accurate.</i></p>	<p>approach to the assessment is agreed, and on the basis that the outline LSP [REP2-046] and OLEMP [APP-145] provide an appropriate foundation for the final versions for which ongoing engagement and discussion will be required .</p> <p>The Applicant does not consider it necessary to make any further changes on this basis and looks forward to engaging with the Council and other stakeholders on these important aspects of the detailed design.</p>
<p><b>3.2 The Landscape and Visual Impact Assessment – Level of Agreement/Disagreement on Methodology and Outputs</b></p> <p><i>As part of the review of the LVIA the Councils consultant GLA also raised some issues with regards to the following matters:</i></p> <ul style="list-style-type: none"> <li><i>- The provision of additional ZTVs would be beneficial to show the visibility of Areas A, B, and C to demonstrate the worst-case scenario of the theoretical visibility of the Proposed Development.</i></li> <li><i>- The selection of VL2b and VL3c are not representative of the worst-case views.</i></li> <li><i>- The photography from some of the VLs is unclear.</i></li> <li><i>- Additional planting of woodland and/or hedgerow trees along the west of Branthwaite Edge Road would be beneficial to provide adequate mitigation.</i></li> </ul> <p><i>These matters are currently subject to ongoing discussions with the Applicant. However, the Council accepts that these issues do not represent fundamental differences of opinion in terms of the outcomes or the approach taken to the assessment. They reflect reasonable differences in professional judgement between independent landscape experts and do not represent a more fundamental conflict.</i></p> <p><i>There is no major disagreement between the parties as to outcomes which undermine the overall conclusions of the application in visual and landscape terms. Any outstanding matters are minor, and the effects can be mitigated by the inclusion of appropriate landscaping as set out in the OLEMP. These details will be a Requirement of the DCO.</i></p> <p><i>The Council agrees that the OLEMP provides an appropriate framework for the provision of the required details in the final LEP and LEMP,</i></p>	<p>Noted. Please refer to the Applicant response within Table 2.8 row 11.3 and 11.4 of the ARISH-A [REP3-008] regarding the ZTVs, reference 11.16 in relation to VL2b and 3c (and Table 2.3 of the ARRR [REP1-002]), and reference 11.11 in relation to additional planting (and Table 2.3 of the ARRR).</p> <p>As per the response to 3.1 above, the matters listed by the Council as being under discussion are and will remain open in relation to the Applicant's engagement with the Council as part of the discharge of DCO Requirements process.</p> <p>However for the purposes of the Examination they are 'matters agreed' as per Table 2.1 of the dSoCG [REP3-019] on the basis that the overall approach to the assessment is agreed, and on the basis that the outline LSP [REP2-046] and OLEMP [APP-145] provide an appropriate foundation for the final versions for which ongoing engagement and discussion will be required.</p> <p>As noted by the Council, 'any outstanding matters are minor, and the effects can be mitigated by the inclusion of appropriate landscaping as set out in the OLEMP'. The Applicant does not consider it necessary to make any further changes to the LEMP based on this feedback and</p>

Council Response to the Issue Specific Hearing Agenda Items	Applicant Response
	looks forward to engaging with the Council on the content of the final LEMP.
<p><b>4. Cultural Heritage / Historic Environment: Matters agreed/disagreed between applicant and Historic England, LDNP and Cumberland Council</b></p> <p><i>The Council has been involved in positive engagement with the Applicant in relation to archaeology.</i></p> <p><i>The scope of the Archaeological Management Strategy (AMS) and production has been undertaken in collaboration with the Councils Historic Environment Officer. The Council is satisfied that it accords with best practice and includes the relevant commitments to recording and reporting which can be secured by a DCO Requirement.</i></p> <p><i>The AMS sets out how any further mitigation will be secured and also agrees to the inclusion of a Watching Brief that is to be implemented during the construction phase.</i></p> <p><i>The Applicant has agreed to incorporate mitigation options that will include archaeological, strip, map and sample at the request of the Historic Environment Officer. These were included in the revision to the ES Chapter 6 at Deadline 2.</i></p> <p><i>It is agreed that no significant effects are anticipated for the construction, operation, or decommissioning of the Proposed Development on potential below ground remains. The Council consider that the surveys (desk-based assessment, walkover survey &amp; 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.</i></p> <p><i>With regards to the built environment. The Council provided comments on this in its Local Impact Report. These comments were made by the Council as the Local Planning Authority.</i></p> <p><i>The Council acknowledges that the Applicant has had detailed discussions with both Historic England and the Lake District National Park Authority (LDNPA). The matters considered are reflected in the draft Statements of Common Ground that were submitted at deadline 2 (REP2-015) (REP2-016).</i></p> <p><i>The Council concur with the approach taken by Historic England and the LDNPA in terms of the Assessment of potential effects on designated heritage assets and the English Lake District World Heritage Site (WHS).</i></p>	<p>The Applicant response to agenda item 6(b) is provided within Table 6.1 of the ARISH-A [REP3-015].</p> <p>Agreement on all matters with respect to archaeology and heritage is set out within Table 2.1 of the D3 dSoCG [REP3-019], which is unchanged in the version submitted at D4 [D4.10].</p> <p>As noted by the Council, ES Chapter 6 was updated at D2 to provide specific reference to the archaeological strip, map, and sample options that were listed as mitigation options in the Archaeological Mitigation Strategy (AMS) [APP-117].</p> <p>The Applicant does not consider it likely that there will be any further issues in terms of archaeology and heritage which require further engagement with the Council or changes to the dSoCG for this topic area. However, if there are any changes during Examination, the Applicant will consult the Council as necessary.</p> <p>A dSoCG with Historic England (HE) has not been submitted at D4 because there are no substantive changes to the iteration of the dSoCG submitted at D2 [REP2-015]. The Applicant has not received any further comments from HE on the updates to the Historic Environment Desk-Based Assessment [REP2-030] and ES Chapter 6 – Cultural Heritage [REP2-027] provided at D2 in response to the ExQ1 [PD-007]. Based on the feedback received by HE to-date, and the fact that the updates made at D2 were agreed with HE prior to submission, it is not anticipated that there would be any changes to the shared position set out within the previous iteration of the dSoCG, which is that all matters are agreed.</p>

Council Response to the Issue Specific Hearing Agenda Items	Applicant Response
<p>Overall, the Council is prepared to accept the position set out by the LDNPA in relation to the WHS and that of Historic England relating to the impacts on designated heritage assets.</p> <p>The shared position with regards to Cultural Heritage and the Historic Environment will be set out in an updated draft Statement of Common ground between the Applicant and the Council.</p>	
<p><b>5. Biodiversity</b></p> <p>The Council has commissioned Tetra Tech to undertake an assessment of Biodiversity/Ecology and BNG,</p> <p>The initial comments raised by Tetra Tech were set out in the Councils Local Impact Report (REP2-058) which was submitted at D2. These comments raised three main themes relating to</p> <ul style="list-style-type: none"> <li>- the shadow Habitat Regulations Assessment (sHRA),</li> <li>- Biodiversity Net Gain (BNG) and.</li> <li>- the protected species survey reports included in the ES Biodiversity Chapter 8.</li> </ul> <p>The Applicant provided a detailed response to the issues raised. Tetra Tech have subsequently reviewed this information, and further discussions were undertaken with the Applicant to seek clarity on several points. Following this dialogue Tetra Tech set out their detailed response in a letter dated 15th September 2025. A copy of this letter is attached as Appendix 1 to this statement.</p> <p>Based on this response from Tetra Tech the Council is satisfied that all matters raised relating to biodiversity in the LIR have been agreed. An update to the dSoCG will set out the shared position of the Applicant and the Council with regards to Biodiversity/Ecology and BNG.</p> <p>The Council is aware of and accepts the advice and guidance offered by Natural England in relation to the methodology and conclusions of the sHRA. This is summarised in the dSoCG between the Applicant and Natural England (REP2 108).</p> <p>The Council has agreed that there will be no Likely Significant Effects (LSE) on the River Derwent and Bassenthwaite Lake Special Area of Conservation (SAC) and Solway Firth Special Protection Area (SPA). The Council agrees with the Applicant's conclusions on all matters relating to the sHRA and this will be set out in a forthcoming update to the dSoCG.</p>	<p>The Applicant response to agenda item 8(a) is provided within Table 8.1 of the ARISH-A [REP3-015].</p> <p>The Applicant has provided a full response to the Tetra Tech's initial feedback provided via the Council's LIR [REP2-058] in the ARLIR [REP3-008]. This reflects engagement between the Applicant and Council (including Tetra Tech) between the D2 LIR and D3 ARLIR. Tetra Rech's updated position following review of the draft ARLIR, is appended to the ARLIR and is also appended to the Council's D3 WR [REP2-029], but has not been reproduced here for brevity.</p> <p>The Applicant welcomes the Council's confirmation that all matters related to biodiversity have been agreed, and this is captured in the Council D3 dSoCG [REP3-019]. No new matters arising for this topic have necessitated any changes within the D4 dSoCG [D4.10] on this basis.</p> <p>The Applicant will keep engaging with the Council on biodiversity topics throughout the Examination if there are any further changes relevant to biodiversity in the relevant management plans.</p>

### 3 Applicant Response to LDNPA's D3 Written Representation

Table 3.1: Response to LDNPA WR [REP3-028]

LDNPA Response to the Issue Specific Hearing Agenda Items	Applicant Response
<p>1. The Lake District National Park Authority are registered as an Interested Party in the consideration of this application. ... In the Rule 17 letter dated 19 September it has been requested that we provide further information in respect of issues set out in <b>annexe a</b> and <b>annexe b</b> of the letter. ...The issues that are relevant to the Lake District National Park and on which we are going to comment are:</p> <ul style="list-style-type: none"> <li>• <b>Landscape and Visual</b></li> </ul> <p>Question 5 a) The impact of the proposed development on the Lake District National Park (LDNP) having regard to the national park's statutory purposes– what is the view of the LDNP authority?; and</p> <ul style="list-style-type: none"> <li>• <b>Cultural Heritage/Historic Environment</b></li> </ul> <p>Question 6 b) Matters agreed/disagreed between applicant and Historic England, LDNP and Cumberland Council.</p>	<p>Noted.</p>
<p><b>2. Response to Question 5 a) Landscape and Visual</b></p> <p>2.1 The Purposes of National Parks as set out in Section 61 of the Environment Act 1995 are: (a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next following subsection; and (b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public</p> <p>2.2 The special qualities of the Lake District National Park that are relevant to or may be affected by the proposed development are:</p> <ul style="list-style-type: none"> <li>• A world class cultural landscape</li> <li>• The high fells</li> <li>• Opportunities for quiet enjoyment</li> </ul> <p>2.3 We use the Lake District Landscape Character Assessment Supplementary Planning Document to guide decisions relating to the landscape character and visual amenity of the Lake District National Park. <a href="#">Final-LDNP-LCA-for-Adoption-May-2021-compressed.pdf</a></p> <p>2.4 In the Lake District National Park Landscape Character Assessment Supplementary Planning Document, the nearby area of the National Park lies within Area of Distinctive character 8: Loweswater. The distinctive characteristics of the area include.</p>	<p>Noted. Agreement that the Applicant has sought to further the purposes of the LDNP is captured in the rows identified as LDNPA.1 and LDNPA.9 of the D3 dSoCG [REP3-017].</p> <p>The Applicant response to agenda item 5(a) is provided in the ARISH-A [REP3-015].</p>

LDNPA Response to the Issue Specific Hearing Agenda Items	Applicant Response
<ul style="list-style-type: none"> <li>• Relatively low, smooth profile open moorland and heather clad fells in the north and south of the area contrasting with the more enclosed, verdant, wooded and intricately-patterned Loweswater valley in the centre;</li> <li>• The western part of the area has a very different feel with its open views out to the coastal plain and its towns and villages.</li> </ul> <p>The landscape sensitivities of the area include:</p> <ul style="list-style-type: none"> <li>• The sense of openness in the north and south of the area, coupled with open, far reaching views towards Grassmoor to the east, which are sensitive to interruption by vertical, large or small-scale developments.</li> <li>• The western part of the area will be particularly sensitive to developments on the coast;</li> </ul> <p>The Guidelines for Managing Landscape change include:</p> <p>Protect open, far-reaching views from interruption from tall vertical or large-scale developments.</p>	
<p><b><u>Effect on landscape character</u></b></p> <p>2.5 As the site is located well outside of the National Park, there would be no direct landscape effects.</p> <p>2.4 Such effect on the landscape character of the land within the National Park as may occur would be as a result of an effect on views into and out of the National Park.</p> <p>2.5 We note that while the term ‘setting’ is used in paragraph 182 of the NPPF, it does not feature prominently in the Guidelines for Landscape and Visual Impact Assessment (Third Edition). Views into and out of the National Park may be more properly assessed in landscape terms as part of the effect of the development on visual amenity.</p>	<p>Noted. Agreement on this matter is captured in the row identified as LDNPA.1 of the dSoCG [<a href="#">REP3-017</a>].</p>
<p><b><u>The effect on visual amenity</u></b></p> <p>a. <u>Views into the National Park</u></p> <p>2.6 We appreciate and welcome the effort made in not proposing panels or other development on the higher land to the west of the site, having regard to the potential for viewers to perceive this as interfering with the transition from the coastal plain to the fells in the east.</p> <p>2.7 The land provides some distant views of the Lake District Fells. However, the network of small lanes is more suited to local traffic. Those approaching the Lake District for recreation or visiting the area with the specific intention of enjoying the National Park landscape are more likely to use other routes. We consider therefore that any effect of the development on views into the Lake District would not be significant.</p>	<p>The Applicant notes this response, which is consistent with the response from the LDNPA received during the statutory consultation. Agreement on this matter is demonstrated by LDNPA.2, 5, 7, and 8 of the dSoCG [<a href="#">REP3-017</a>].</p>
<p>b. <u>Views out of the National Park</u></p>	<p>Noted. Agreement on the selection and assessment of View Locations (VL) to</p>

LDNPA Response to the Issue Specific Hearing Agenda Items	Applicant Response
<p><i>2.8 There are only limited views available of the development from locations within the National Park Boundary. The ZTVI mapping that has been provided appears to show a greater area within the National Park than we have observed from our ground truthing, as being affected.</i></p> <p><i>2.9 The availability of views is strongly affected by the local topography. The highest portion of the land lies to the south side, where the ridge of High Park-Branthwaite Edge obscures views from the south. The ridge is less effective in screening views from the fell tops identified below due to the ability of the viewer to see over the ridge. Our assessment however is that views from valley level within the National Park (Mosser, Loweswater, Lamplugh, Cogra Moss) would be unaffected by the development, due to a combination of intervening screening, glimpsed views of parts of the development site and distance.</i></p> <p><i>2.10 The particular views we have identified as being affected are:</i></p> <p><i>1. Fellbarrow (represented by viewpoint 14): The fell is included in the Wainwright Western Fells book (included in the 214 'Wainwright' summits). Fellbarrow stands between 8 and 9km west from the site. The view from the summit is described as: 'Fellbarrow stands on the fringe of the high country, and to the north and west there is a wide and uninterrupted view of the coastal plain of Workington and district and across the Solway Firth to the Scottish hills, a scene predominantly rural but with some obvious evidences of urban development and industry'. Parts of the site are visible from the summit and the upper western flanks. Due to the position of Branthwaite Edge, the main portion of the site (Area C) would be less prominent from this location, the areas A and B would be more visible.</i></p> <p><i>2. Blake Fell and Burnbank Fell (represented by view points 13, 13a and 13b): Blake Fell and Burnbank Fell are also included in Wainwrights Western Fells book, Blake Fell being 'the highest of the Loweswater uplands', and as such is a popular climb. Again, views seawards are described as uninterrupted and 'the West Cumberland coastal area is revealed in detail'. These fells stand 7-8km south west of the site. Parts of the site are visible from the summit and the upper western flanks including the subsidiary summit of Knock Murton. From the summits views are available over the intervening ridge to a substantial portion of the site.</i></p> <p><i>2.11 Having regard to the distance of the views available towards the site from the fells, we consider that the detail of the development including individual structures would not be apparent. The principal change would be that of a change of colour: from green fields to blocks of grey panels, and a sense of developed versus undeveloped character to the land. We consider that the assessment of this effect has to have regard to the overall size of the site and development. At 279ha, the site is substantial.</i></p> <p><i>2.12 At present, the 'evidences of urban development and industry' in this part of the West Cumberland plain are mostly focussed to the west, on the coast and around Workington. Lillyhall Industrial Estate extends this sense of developed character south and eastwards and the proposed site would be almost contiguous with Lillyhall. We consider that the effect would be to stretch the sense of developed land into the rural area and towards the National Park. This sense would be</i></p>	<p>support the landscape and visual impact assessment and the VL for which visualisations have been prepared is included in LDNPA.2 and 3 of the dSoCG [<a href="#">REP3-017</a>].</p> <p>The LDNPA's position is consistent with the advice provided during statutory consultation, which is described within Table 7.2 of ES Chapter 7 Landscape and Visual [<a href="#">REP2-032</a>].</p>

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<p>more apparent from Blake and Burnbank Fells (as the view is more in a line: site, Lillyhall, Workington) than from Fellbarrow (where the effect would be seen from the side).</p>	
<p><b><u>Assessment of visual effect</u></b></p> <p>2.13 The GLVIA refers to a four point table as a ‘for instance’ for assessing the magnitude of an effect and refers to a set of points including negligible as the bottom one of the four. We have reservations about this, as it suggests no effect, rather than a very low effect and therefore we do not tend to use it.</p> <p>2.14 The tables used for EIA purposes use the following terms for a four point scale: high, medium, low, very low. This is more helpful than the ‘for instance’ scale referred to in the GLVIA and we will be using these terms in our assessment of landscape and visual impact of the proposed development.</p> <p>2.15 We consider that the magnitude of the effect from the identified views from the fells would be ‘very low’ having regard to the guidelines for managing landscape change and the distance of the site from the viewpoints, notwithstanding the size of the development.</p> <p>2.16 The sensitivity of users of the areas where views are available will be high since these will predominantly be recreational users visiting the high fells for quiet enjoyment, including the appreciation of the available views.</p> <p>2.17 The effect would be negative, but not permanent and reversible (40 year lifespan and with details of decommissioning). A high sensitivity coupled with a very low magnitude would result in a minor effect on visual amenity.</p> <p>2.18 This effect would not materially alter the landscape character of the viewpoints or of Area of Distinctive Character 8 of the National Park.</p>	<p>Noted. The LDNPA’s agreement to the Applicant’s conclusions regarding the potential effects to the VL (considered representative of views from the LDNP), and the potential visual effects, are set out in the LDNPA.2 of the LDNPA dSoCG [REP3-017].</p>
<p><b>3. Response to (Question 6 b) Cultural Heritage/Historic Environment</b></p> <p><b><u>English Lakes World Heritage Site (WHS)</u></b></p> <p>3.1 The English Lake District was inscribed as a World Heritage Site in 2017. The boundary of the WHS is consistent with the 1951 boundary of the National Park. There have been no changes to this boundary in the vicinity of the site, and so the boundary of the National Park and WHS are contiguous in this area.</p> <p>3.2 Since the development is located well outside the WHS, the development would only affect those attributes of Outstanding Universal Value that are capable of crossing the boundaries. Of those, we consider that only the attribute of ‘extraordinary beauty and harmony’ would be affected as a result of the effect on views.</p> <p>3.3 As we have found a minor adverse visual effect over a 40 year period, we consider that, having regard to paragraph 215 of the NPPF, this translates into less than substantial harm to the WHS attribute of extraordinary beauty and harmony.</p>	<p>Noted. Agreement on the Proposed Development’s potential effects to the Lake District World Heritage Site (WHS) is reflected within LDNPA.5 of the LDNPA dSoCG [REP3-017].</p> <p>The Applicant response to agenda item 6(b) is provided within the ARISH-A [REP3-015].</p>

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<p>3.4 When assessing the impact of development on a World Heritage Site, UNESCO provides guidance on this in the form of “Guidance and toolkit for impact assessment”. That document looks at characteristics of potential impacts and asks about the extent and duration of any impact and whether the impact is reversible. Therefore whilst we recognise minor adverse effect over the lifetime of the development, it is not permanent and can be removed and the land continue in agricultural use and restore the green appearance of this landscape. <a href="https://whc.unesco.org/en/guidance-toolkit-impact-assessments">https://whc.unesco.org/en/guidance-toolkit-impact-assessments</a> .</p> <p>3.5 Less than substantial harm can cover a wide range of changes short of substantial harm to or the total loss of the heritage asset. In this case the effect on the heritage asset as a whole is very low, as a result of the small portion of the Lake District that would be affected and the distance of the development from the boundary.</p> <p>3.6 This matter is agreed between the LDNPA and the applicant (draft Statement of Common Ground item LDNPA. 5).</p>	
<p><b>4. Conclusion</b></p> <p><i>Effects from the development on the Lake District National Park and WHS will be substantially the same: an effect on visual amenity from a large development that is a long way from the available viewpoints.</i></p> <p><i>The sensitivity of recreational users of the areas where views are available will be high. The magnitude of the effect would be very low, because although the size of the development is large, it is sited some considerable distance from the National Park boundary, and further still from viewpoints where the application site might be apparent.</i></p> <p>4.3 We would suggest that a high sensitivity combined with a very low magnitude would give a minor harm, especially as the development would have a limited lifespan and should be reversible.</p> <p>4.4 This effect amounts to ‘less than substantial harm’ to the World Heritage Site. The magnitude of the effect would be very low.</p> <p>4.5 We are aware that the proposed development would bring benefits to be considered and weighed against impacts identified. The importance of the appropriate generation of renewable energy is recognised in national and local plan policy (Lake District National Park Local Plan (2020-2035) Policy 20).</p> <p>4.6 We would expect that we would not wish to object to the submission. Rather we wish to offer our opinion on the nature and extent of the effect on the National Park and World Heritage Site as advice for the decision maker to weigh when coming to their decision.</p> <p>4.7 Please accept these observations and advice as the response to questions 5a) and 6b) on behalf of the Lake District National Park Authority.</p>	<p>Noted. The Applicant welcomes the LDNPA’s feedback, which is consistent with earlier feedback received during the statutory consultation and pre-application stage.</p> <p>The Applicant does not anticipate that any significant further engagement with LDNPA will be required. As per the ARISH-A [REP3-015] it is considered that the dSoCG with the LDNPA [REP3-017] is final, but will remain a draft to allow for the possibility of any new matters arising during the Examination which would necessitate further engagement.</p>

