



# Dean Moor Solar Farm

## Applicant Response to the D3 Written Representations (2 of 2) on behalf of **FVS Dean Moor Limited**

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**Firma Energy**

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

<b>Project Ref:</b>	<b>EN010155/Applicant Response to D3 Written Representations (2 of 2)</b>
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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 (AWRW-D3.2) [D4.5] is the Applicant Response to the Deadline 3 (D3) Written Representation (WR) from 12 Property FE Limited (‘12 Property FE’) [REP3-027].
- 1.1.3 The 12 Property FE WR was submitted in response to the agenda items within the Compulsory Acquisition Hearing (CAH) Agenda (Annex B) (‘CAH-B’) of the Rule 17 Letter [PD-010] published by the Examining Authority (ExA).
- 1.1.4 The Applicant has provided a response at D3 to the CAH Agenda Items (ARCAH-B) [REP3-016] addressed to the Applicant, as requested by the Rule 17 Letter. It may be helpful to review that document alongside this AWRW-D3.2.
- 1.1.5 The Applicant’s response to the WR is set out within Table 2.1.
- 1.1.6 A D3 WR has also been provided by the Council’s [REP2-029], and the Lake District National Park Authority (LDNPA) [REP3-028] submitted in response to the Rule 17 Letter in relation to the Annex A Issue Specific Hearing (ISH) Agenda. The Applicant has addressed the ISH items in the D3 Applicant Response to ISH Agenda Items (ARISH-A) [REP3-015]. A standalone Applicant Response to D3 WR for the Council and the LDNPA [D4.4] has also been provided.
- 1.1.7 In this AWRW-D3.2, 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.

- 1.1.8 Where an issue raised within a WR has been dealt with previously by the Applicant, for instance within one of the documents submitted to the Examination, a cross reference to that response or document is provided to avoid unnecessary duplication. The information provided in this ARWR-D3.2 should, therefore, be read in conjunction with the material to which cross references are provided.
- 1.1.9 The Applicant has sought to respond to all material points by copying them directly or summarising them in the table below.
- 1.1.10 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.

## 2 Response to 12 Property FE's Response to the Rule 17 Letter

Table 2.1: Applicant Response to 12 Property FE's Response to the Rule 17 Letter

12 Property FE WR	Applicant Response
<p><b>2.1.1</b> - <i>A meeting was held on 12 September 2025 between the Applicant and this firm on behalf of our client to discuss the issues at hand.</i></p>	<p>The Applicant can confirm that it met with 12 Property FE's legal representative on 12 September 2025. A detailed summary of engagement to date is set out in the Updated Land and Rights Negotiations Tracker <b>[4.2]</b></p>
<p><b>2.1.2</b> - <i>It was noted that in both the Applicant Response to Relevant Representations (REP1-002) (ARtRRs) and subsequent response to Applicant Responses to ExA's Written Questions 1 (REP2-010) (ARtWQs) the Applicant accepted that the proposed works will directly impact our client's interest in title CU307418. In the ARtRRs the Applicant stated that the "impact on the interested party would predominantly be cabling being placed within the subsoil".</i></p> <p><i>When further information was sought by the Examining Authority the Applicant's response in the ARtWQs was that "electrical cables to be placed within the subsoil. As set out in ES Figure 3.19 Indicative Cable Trench Examples [APP-063] these cables will be placed at an indicative depth of 2m (final depth to be confirmed as part of detailed design). Access tracks within Work No. 3 may also involve soil removal".</i></p>	<p>The Applicant notes this comment. The Applicant set out the impact on 12 Property FE's title in response to written question Q12.0.2 <b>[REP2-010]</b>. The Examining Authority will note that this is a qualified title (i.e. it does not bind interests pre-March 2018) and no information has been provided by 12 Property FE establishing the specific mines and mineral interests/substances it claims to own. The Applicant continues to discuss the matter with 12 Property FE.</p>
<p><b>2.1.3</b> - <i>The Applicant stated in our meeting that they did not consider themselves able to agree a private treaty agreement or protective provisions with my client as the relevant works were subject to further detailed design work.</i></p>	<p>The Applicant explained its approach towards negotiations during the meeting on 12 September and by letter on 19 September 2025. This has also been clearly set out in the ARCAH-B <b>[REP3-016]</b>. In summary:</p> <ul style="list-style-type: none"> <li>- 12 Property FE's title is "Qualified". It does not bind any interests prior to March 2018 meaning that other interests, including superior ones, may continue to bind the land even if an agreement is reached. Accordingly, an agreement between the parties would still require use of compulsory powers;</li> </ul>

12 Property FE WR	Applicant Response
	<ul style="list-style-type: none"> <li>- The extent of 12 Property FE's interest is unclear and uncertain. A mines and minerals owner is not automatically owner of all subsoil, including organic material. The Applicant requires certainty if entering into an agreement but currently, it is unclear what interest 12 Property FE proposes to transfer to the Applicant; and</li> <li>- The Applicant's view that the detail of the relevant works impacting the title would only become fully clear at detailed design stage.</li> </ul> <p>The Applicant notes the reference to protective provisions. The ExA will note that the interests of mines and mineral holders are protected by incorporation of Parts 2 and 3 of Schedule 2 (minerals) to the Acquisition of Land Act 1981 (the Mineral Code) into the dDCO <a href="#">[REP2-004]</a> (see article 23).</p> <p>Appropriate protection is, therefore, already provided to 12 Property FE Limited and no further protective provisions necessary.</p>
<p><b>2.1.4</b> - <i>This firm followed up by way of further correspondence on 15 September stating we did not consider this position to be acceptable or in line with the principle that compulsory purchase is intended as a last resort. As the Examining Authority you had specifically queried the "outcome of any further negotiations carried out with the affected person(s)" but at that point our client's position was that:</i></p> <ul style="list-style-type: none"> <li>• <i>The Applicant refusing to enter into negotiations; and</i></li> </ul> <p><i>Was seeking to solely rely on CPO powers as a means of avoiding meaningful negotiation</i></p> <p><b>Current position between the parties</b></p> <p><i>The Applicant provided responded in writing on 19 September requesting certain matters for clarification, but confirming that their "client is prepared to consider negotiations towards an agreement". We are progressing this as a matter of urgency, but at this point are not in a position to withdraw our objection and note that the Applicant has only meaningfully engaged on this matter after some forceful intervention by our client.</i></p>	<p>The Applicant wrote to 12 Property FE's legal representative on 19 September 2025 requesting further information on the extent of 12 Property FE's interests. The Applicant sent a chaser email on 3 October 2025 as no response had been received although the parties have since met and exchanged correspondence.</p> <p>In its October 3<sup>rd</sup> letter, the Applicant set out how negotiations could progress towards an agreement. The Applicant remains open to negotiations, subject to 12 Property FE Limited providing further information and clarifying the extent of its interest.</p> <p>The ExA will note that there is significant uncertainty around the scope of 12 Property FE's interest. This does not seem to be disputed. The Applicant is yet to receive any further details on which mines and minerals 12 Property FE claim ownership of. The Applicant understands that 12 Property FE do not have this information and would require a survey to establish the extent of their ownership (and no survey is currently available). Despite this, the Applicant has sought to preserve 12 Property FE's ability</p>

12 Property FE WR	Applicant Response
	<p>to extract mines and minerals through incorporation of the Mineral Code via the dDCO [REP2-004] (see article 23).</p> <p>Subject to receipt of further evidence, the Applicant remains of the view that compulsory acquisition powers are the only way to effectively acquire the interests required for the Proposed Development.</p> <p>Should compulsory powers be granted and exercised, 12 Property FE would be entitled to compensation if they can prove the extent of their interest. Further details on the Applicant's position on this topic is set out in the ARCAH-B [REP3-016].</p>