

Application by FVS Dean Moor Limited for an order granting development consent for the Dean Moor Solar Farm

Agenda for issue specific hearing (ISH):

Hearing	Date and Time	Location
Issue specific hearing (part 1)	Tuesday 11 November 2025 Hearing starts at 10:00am Virtual registration process from 9:30am	By virtual means using Microsoft Teams
Issue specific hearing (part 2) – this will only take place if the agenda and discussion has not been completed in part 1	Wednesday 12 November 2025 Hearing starts at 10:00am Virtual registration process from 9:30am	By virtual means using Microsoft Teams

Participation, conduct and management of the hearing

I am Matthew Woodward, the Examining Authority (ExA) for the proposed development. I will be leading the issue specific hearing (ISH).

The [notification of hearings](#) letter included a number of potential topics to be discussed at the ISH. Since the letter was issued, I have had the opportunity to consider the written evidence received by **deadline 4 (28 October 2025)** and I have finalised the topics and matters to be considered at the ISH.

The agenda below sets out the topics for discussion, along with further detail on each. It is intended to serve as the framework for the hearing, and the scope of the ISH will be confined to these matters. You may feel that you have already addressed some of the questions or issues I raise during the ISH in your written submissions. Please be assured that any questions I ask are solely to aid my understanding of a particular topic or point. You are welcome to refer to and elaborate on material you have previously submitted, where relevant.

You should be aware that I may wish to raise matters arising from oral submissions at the ISH or pursue other lines of inquiry or questioning based on topics which are

not listed on the agenda. Moreover, the agenda on the day, including the order of items discussed at the hearing, may be subject to change at my discretion.

Agenda

1. Welcome, introductions, arrangements for the hearing – ExA to lead introductions and welcome participants to the event.

2. Purpose of the issue specific hearing – ExA to set out the purpose of the ISH and how it is to be conducted virtually.

3. Topic specific discussion – the ISH will focus on the topics in bold text below, including the questions and points of clarification relating to each topic as set out in the table.

Draft Development Consent Order (dDCO)

ExA questions based on the following:	
1)	a) Clarification over the definition of ‘commencement’ (with reference to Q11.0.1 of [REP2-010]).
	b) Definition of ‘order land’ (with reference to Q11.0.2 of [REP2-010]).
	c) Article 3 – activities outside order limits – why is this needed for this particular project? For the powers sought and referenced (for example, Article 42), how do they apply to the project specifically? (with reference to Q11.0.3 of [REP2-010]).
	d) Article 5 – in relation to the exceptions contained within the order, is this list definitive? Are there others? (with reference to Q11.0.4 of [REP2-010]).
	e) Article 7 and 8 – allows Work Nos. 2 and 2A to transfer to Electricity North West (ENW) without SoS consent. Is this justifiable? (with reference to Q11.0.6 of [REP2-010]).
	f) Article 8 – see recently made Stone Street Solar development consent order (DCO) – also 14 business days notification period (with reference to Q11.0.7 of [REP2-010]).
	g) Applicant to set out the implications and powers sought in relation to Article 10. Cumberland Council will be invited to comment (with reference to Q11.0.9 of [REP2-010]).
	h) Applicant to set out the implications if the powers sought under Article 12 were not included in the DCO, and the extent to which the other schemes referenced by the applicant are comparable projects in terms of type and scale. Cumberland Council as highway authority will be invited to comment (with reference to Q11.0.10 of [REP2-010] and 1(b) of [REP3-015]).
	i) Cumberland Council to comment on Articles 13 and 15 as highway authority in terms of proportionality and reasonableness having regard to the scale and type of development (with reference to Q11.0.11 of [REP2-010] and 1(b) of [REP3-015]).

	j) Applicant to explain which private roads could be affected by article 17.
	k) Article 26/27 – applicant to explain, in relation to plots which are subject to compulsory acquisition, the extent to which there is overlap between the articles and any inconsistencies between them.
	l) Article 32 – applicant to explain, specific to the proposed development, the type of works that would potentially benefit from this power (ExA note responses provided in Q11.0.18 of [REP2-010] and 1(c) of [REP3-015]).
	m) Article 33 and Article 34 – applicant to explain whether all landowners/those with land interests within the Order limits were made aware of any right to temporary possession (and the extent to which they were notified), even where compulsory acquisition is not sought (ExA note response provided in Q11.0.19 of [REP2-010]).
	n) Article 40 – the extent to which permitted development rights granted by this provision have been, and should be, addressed as part of the Environmental Impact Assessment/Environmental Statement.
	o) Article 41 – the SoS has removed articles relating to similar general powers sought, including the recently made Stone Street solar DCO. The ExA note the response provided in Q11.0.20 of [REP2-010] in relation to Potato Pot wind farm but would question whether the wider powers sought, in relation to all planning permissions issued under the Town and Country Planning Act 1990, are justified and necessary.

Environmental Impact Assessment (EIA) and general matters

ExA questions based on the following:	
2)	a) General points of clarification.
	b) Update on Statements of Common Ground.

Design

ExA questions based on the following:	
3)	a) The applicant's approach to achieving good design with regard to the design approach document [APP-029] and the applicant's responses set out in Q3.0.2 [REP2-10] and [REP3-015] .

Climate change

ExA questions based on the following:	
4)	a) Climate change assessment methodology. Setting out the ExA's expectations in response to the applicant's response as set out in Q2.2.1 [REP4-004] .

Cultural heritage/historic environment

ExA questions based on the following:	
5)	a) The extent to which Historic England are satisfied with the methodology employed by the applicant, with particular reference to item 6(a) of [REP3-015] and consultation which indicates a potential alternative 'scale'.
	b) Understanding the views of Historic England on the further photographs provided by the applicant in relation to Stone Circle [REP3-015] and [REP3-026] .
	c) Understanding how the visual harms identified in the ES as a result of development in part of the setting of the World Heritage Site (WHS) results in overall harm (albeit less than substantial) to the WHS as a whole.
	d) Clarification on the applicant's and Cumberland Council's position in relation to the level of less than substantial harm for each asset.
	e) Any other matters relating to cultural heritage/historic environment.

Landscape and visual

ExA questions based on the following:	
6)	a) Applicant and Cumberland Council to set out exactly where there are differences between the parties in terms of the LVIA methodology.
	b) The effects of the proposed development, in visual terms, on residential receptors in terms of outlook.
	c) Clarity sought on paragraph 7.5.24 of LVIA chapter 7 [REP2-032] , which identifies minor adverse effects in relation to LCT9a, compared with the identified magnitude of effect in year 1 (operation) in the schedule of landscape effects [APP-120] , where the magnitude is described as moderate adverse but the level of significance remains minor. The ExA question whether the level of significance has been accurately quantified.
	d) Any other landscape and visual matters.

Biodiversity

ExA questions based on the following:	
7)	a) Applicant to set out why Dean Moor County Wildlife Site (CWS) cannot be avoided, and the implications for the proposed development if the CWS was avoided.
	b) Applicant to explain the measures included to rectify or address landscaping/planting failure and how such measures are to be secured.

4. Any other business

5. Closing

Attendees

I would find it helpful if the following parties could attend this hearing.

- Applicant
- Cumberland Council
- Lake District National Park Authority
- Historic England

However, this does not indicate that other parties will not be able to contribute. All interested parties (IP) are invited to attend and make oral representations on the matters set out in the agenda, subject to my discretion in terms of ensuring the efficient running of the hearing.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage](#) of the National Infrastructure Planning website closer to the hearing date. IPs and members of the public who wish to observe the hearing can therefore view and listen to the hearing using the livestream, or view and listen to the recording, after it has concluded.

Registration process

Parties who have registered to speak virtually will receive a joining instruction email shortly before the hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the hearing to start on time at **10:00am** those attending virtually should join promptly at **9:30am** to ensure that all virtual attendees can complete the registration process in good time.

Procedure at ISH

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA. Cross questioning/examination of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

Yours faithfully,

Matthew Woodward

Examining Authority

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