



# Dean Moor Solar Farm

## Applicant Written Summary of Oral Submissions (ISH)

on behalf of **FVS Dean Moor Limited**

---

25 November 2025  
Prepared by: Stantec UK Ltd  
PINS Ref: EN010155  
Document Ref: D5.7  
Deadline 5  
Revision: 1



**Firma Energy**

 **ib vogt**

**DEAN MOOR SOLAR FARM**  
**APPLICANT WRITTEN SUMMARIES OF ORAL SUBMISSIONS**  
**MADE AT ISH**  
**PLANNING INSPECTORATE REFERENCE EN010155**  
**PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED**

<b>Project Ref:</b>	<b>EN010155/ Applicant Written Summaries of Oral Submissions made at ISH</b>
<b>Status</b>	Final
<b>Issue/ Rev:</b>	1
<b>Date:</b>	25 November 2025
<b>Deadline:</b>	5
<b>Document Reference:</b>	D5.7

## Contents

<b>1</b>	<b>Introduction.....</b>	<b>1</b>
1.1	Overview.....	1
1.2	Overview and Structure of Response.....	2
<b>2</b>	<b>The draft Development Consent Order (dDCO) .....</b>	<b>3</b>
<b>3</b>	<b>Environmental Impact Assessment (EIA) and General Matters .....</b>	<b>16</b>
<b>4</b>	<b>Design.....</b>	<b>24</b>
<b>5</b>	<b>Climate Change .....</b>	<b>26</b>
<b>6</b>	<b>Cultural Heritage / Historic Environment.....</b>	<b>28</b>
<b>7</b>	<b>Landscape and Visual.....</b>	<b>33</b>
<b>8</b>	<b>Biodiversity .....</b>	<b>38</b>

# 1 Introduction

## 1.1 Overview

- 1.1.1 This Applicant Written Summary of Oral Submissions made at Issue Specific Hearing (ISH) document (WSOS-ISH) [D5.7] 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 Specifically, this document has been produced to summarise the Applicant's oral submissions at the ISH which occurred virtually via Microsoft Teams on 11 November 2025.
- 1.1.3 This document generally avoids summarising the oral submissions of other parties, and summaries of submissions made by other parties or comments of the Examining Authority (ExA) are only included where considered necessary to give context to the Applicant's submissions, or where the Applicant agreed with the submission(s) made, so made no further submissions.
- 1.1.4 The structure follows the order of the items listed in the Agenda for Issue Specific Hearing 1 (ISH1) [EV6-001] (the "Agenda") and the agenda items and content are provided as context for the oral submission summaries.
- 1.1.5 The Applicant's substantive oral submissions in relation to Agenda items commenced following procedural matters, and procedural matters also arose at points throughout the ISH. Where the Applicant has made oral submissions on purely procedural or administrative matters they are not summarised unless they provide valuable context.
- 1.1.6 Where oral submissions have led to an Action Point (AP) being established for a written submission (WS) to be provided at Deadline 5 (D5) these are noted for each agenda item where relevant, and a

reference is provided for that WS in the Applicant Response to Issue Specific Hearing Action Points (ARAP-ISH) [D5.10]

## **1.2 Overview and Structure of Response**

1.2.1 This document is divided into the following sections which correspond to the items of ISH Agenda:

1. The draft Development Consent Order;
2. Environmental Impact Assessment (EIA) and General Matters;
3. Design;
4. Climate Change;
5. Cultural Heritage / Historic Environment;
6. Landscape and Visual; and
7. Biodiversity

## 2 The draft Development Consent Order (dDCO)

Table 2.1: Applicant Written Summary Oral Submissions - ISH Agenda Item 1 (dDCO)

No.	Agenda Item / Applicant's Written Summary
<b>NA.</b> <b>1</b>	<p><b>Hearing Agenda Item:</b> <i>General Points</i></p> <p><b>Applicant Written Summary:</b></p> <p>In advance of the specific items listed in the Agenda [EV6-001], the ExA raised two general matters:</p> <ol style="list-style-type: none"> <li>1. The ExA requested that the Applicant reviews the draft Development Consent Order (dDCO) [REP2-004] against the recently consented solar Stonestreet Green Solar DCO and explanatory memorandum, as well as reviewing the Secretary of State's decision in respect of that project.</li> <li>2. The ExA requested that the Applicant provide an updated version of the dDCO (advancing the D2 version under discussion at the ISH) for D5.</li> </ol> <p>Mr. Richard Marsh (Mr. Marsh) on behalf of the Applicant confirmed that the Applicant would take these away as Action Points for D5.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <u>AP1 – Review the Stonestreet Green Solar Order 2025 and Explanatory Memorandum.</u></li> <li>• <u>AP2 – Provide an updated dDCO at Deadline 5.</u></li> <li>• See the WS to AP1 and AP2 in the ARAP-ISH [D5.10]</li> </ul>
<b>1(a)</b>	<p><b>Hearing Agenda Item:</b> <i>Clarification over the definition of 'commencement' (with reference to Q11.0.1 of [REP2-010]).</i></p> <p><b>Applicant Written Summary:</b></p> <p>With reference to the definition of 'commence' in Article 2 of the dDCO, the ExA asked where in the dDCO [REP2-004] there is statement contrary to the exclusion of permitted preliminary works from this definition.</p>

No.	Agenda Item / Applicant's Written Summary
	<p>Ms. Jess Graham (Ms. Graham) on behalf of the Applicant, confirmed that Schedule 2 to the dDCO contains the only instance of such a statement to the contrary. Requirement 9 (Archaeology) sub-paragraph (4) provides that '<i>commence</i>' includes any intrusive archaeological surveys (including trenching).</p> <p>Ms. Graham explained that '<i>permitted preliminary works</i>' encompass activities that enable the Applicant to undertake works before the discharge of pre-commencement requirements in Schedule 2. Such works are preparatory in nature and would not be expected to give rise to significant environmental effects requiring mitigation. It was agreed that discussion of how such works had been considered in the Environmental Statement (ES) would be covered under the later Agenda item 2(a) (EIA and general matters).</p> <p>The ExA asked whether, for consistency, the reference in Requirement 2 of Schedule 2 to '<i>begin</i>' should be '<i>commence</i>' instead.</p> <p>Ms. Graham confirmed that the use of the word '<i>begin</i>' in Schedule 2, Part 1, Requirement 2(1) of the dDCO, rather than '<i>commence</i>' is intentional and that the Applicant is content with that usage on the basis that it is not a pre-commencement requirement. Ms. Graham agreed that the Applicant would check and confirm the position on this wording at D5.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>AP3</b> - Confirm whether an amendment to the word '<i>begin</i>' in 'Requirement 2 of Schedule 2 to the dDCO is necessary.</li> <li>• See the WS to AP3 in the ARAP-ISH [D5.10]</li> </ul>
1(b)	<p><b>Hearing Agenda Item:</b> <i>Definition of 'order land' (with reference to Q11.0.2 of [REP2-010]).</i></p> <p><b>Applicant Written Summary:</b></p> <p>Ms. Graham confirmed that the Applicant considers that the definition of '<i>the Order land</i>' is considered sufficiently clear as currently drafted and should not include '<i>within the order limits</i>' as per the ExA's query.</p> <p>Ms. Graham advised that the definition refers to the land shown on the Land Plans [AS-007] where the limits are shown clearly. She noted that some other DCOs referred to the colouring shown on the land plans, but the Applicant had set out previously why this was unnecessary. Ms. Graham advised that the approach to the definition was consistent with multiple made solar DCOs, including the three most recently consented.</p>

No.	Agenda Item / Applicant's Written Summary
	<p>The ExA raised another point, asking why Article 2(13) was required to be included in the dDCO for the Proposed Development. Ms. Graham confirmed that the Applicant would respond in writing to the ExA's question regarding the necessity of Article 2(13) for this scheme specifically.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>AP4</b> – With reference to recent precedent, consider and confirm whether the definition of '<i>Order land</i>' is sufficiently clear.</li> <li>• <b>AP5</b> – Explain why Article 2(13) is required for the project.</li> <li>• See the WS to AP4 and AP5 in the ARAP-ISH [D5.10]</li> </ul>
1(c)	<p><b>Hearing Agenda Item – 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]).</b></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA queried what the wording '<i>adjacent to the Order limits</i>' in Article 3(2) meant.</p> <p>Ms. Graham explained that the word has its ordinary meaning and the DCO does not seek to define it further with respect to maximum distances. She clarified the purpose of Article 3(2), which relates to Article 9 and Schedule 3, is to ensure any enactment applying to land within or adjacent to the Order limits has effect subject to the provisions of the Order and therefore prevent any potential conflict with the powers under the DCO.</p> <p>Ms Graham explained that as the Order includes limited powers outside of the Order limits (Articles 20, 21 and 42), Article 3(2) is drafted with consistency to reflect the fact the Applicant may be undertaking activities under the powers of the Order outside of the Order limits and so it is right that any enactment that might apply there should also be now subject to the terms of the order.</p> <p>In response to the ExA's questioning about whether Article 3(1) was contained in any way, Ms. Graham explained that the term '<i>authorised development</i>', which is used in Article 3(1) is defined in Article 2 of the Order. The definition refers to development described in Schedule 1; such development can only be undertaken within the Order limits. And, the second part of the definition of '<i>authorised development</i>' covers any other development authorised by the Order or any part of it within the meaning of s32 of the 2008 Act. Ms. Graham advised that this wording is used in multiple made DCOs and is intended to capture the limited powers that can be carried out outside the Order limits.</p>



No.	Agenda Item / Applicant's Written Summary
	<p>Ms. Graham explained that the approach in not including the wording '<i>within the Order limits</i>' in Article 3 was endorsed by the Secretary of State on the A303 (Amesbury to Berwick Down) DCO 2023. Since that decision two further Orders have been granted which take the same approach, the London Luton Airport Expansion DCO 2025 and the A122 (Lower Thames Crossing) DCO 2025.</p> <p>Ms. Graham recognised that these are not solar projects but noted that this was not a solar specific matter. Ms. Graham went onto note that there was precedent, which the Applicant had previously provided in written submissions, for solar schemes which included powers outside the Order limits and the Applicant approach to the wording to Article 3 was to ensure consistency across the provisions of the DCO.</p> <p>The ExA asked whether the wording used in Articles 20, 21 and 42 such as '<i>near</i>' and '<i>adjacent</i>' was sufficiently clear and whether it should be consistent. Ms. Graham responded that there was precedent for use of the word '<i>near</i>' in Article 42 but confirmed that the Applicant would respond in full in writing on this point.</p> <p>As to whether works permitted under Articles 20, 21 and 42 would be classed as '<i>development</i>' as defined in the Planning Act 2008 (PA 2008), Ms. Graham noted consideration would need to be given on a case-by-case basis.</p> <p>Ms. Graham then set out some examples of why activities may be required under these articles outside of the Order limits. Article 20 (<i>Protective works to buildings</i>) is required to ensure that protective works, which could arise in an emergency, can be undertaken. For example, during construction a solar panel could fall from a delivery vehicle. This power would permit the Applicant to enter the land where the panel had fallen, retrieve the panel and repair any damage caused. Mr. Graham advised that if the phrase '<i>within the Order limits</i>' was included then on strict application of Article 3(1), the Applicant would be restricted in remedying the situation.</p> <p>Ms. Graham then provided another example in relation to Article 21 (<i>Authority to survey and investigate land</i>) which is required because the Applicant may need to carry out surveys outside the Order limits because, for example, there are ecological features and assets which slightly traverse the Order limits and it would be useful to investigate those to ensure the Applicant has a full set of pre-construction surveys. And, another, Article 42 (<i>Felling or lopping of trees and removal of hedgerows</i>), is required because there might be trees or hedgerows which are technically outside the Order limits but encroaching on or overhanging the Order limits which may need to be removed or cut back.</p>

No.	Agenda Item / Applicant's Written Summary
	<p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>AP6</b> - With reference to precedent, justify the exclusion of the words '<i>within the Order limits</i>' from Article 3, with reference also to the definition of '<i>authorised development</i>'. Consider whether the wording in Articles 20, 21 and 42 such as '<i>adjacent</i>' and '<i>near</i>' is sufficiently clear and whether it is necessary for consistency in that wording across those articles.</li> <li>• See the WS to AP6 in the ARAP-ISH [D5.10]</li> </ul>
1(d)	<p><b>Hearing Agenda Item – 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])</b></p> <p><b>Applicant Written Summary:</b></p> <p>Ms. Graham confirmed that the list of exceptions provided in writing by the Applicant in the Applicant Response to the ExA's First Written Questions (AREQ1) [REP2-010] was not intended to be an exhaustive list but provided examples. Ms. Graham explained that the wording of Article 5 is standard in DCOs and is taken from the model provisions. The intention is to highlight that the Order contains other specific powers exercisable by the Applicant in relation to maintenance and that there may be restrictions or limitations to those specific powers, either elsewhere in the Order (for example, Article 42) or in an agreement made under the Order.</p> <p>The ExA requested a response in writing setting out the exceptions in the Order in relation to Article 5. The ExA acknowledged the point raised by Ms. Graham that it will not be possible to provide a completely exhaustive list given that some exceptions may arise from future agreements made under the Order.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>AP7</b> – In relation to Article 5, set out a list of exceptions contained within the Order.</li> <li>• See the WS to AP7 in the ARAP-ISH [D5.10]</li> </ul>

No.	Agenda Item / Applicant's Written Summary
1(e)	<p><b>Hearing Agenda Item – 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]).</b></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA why the exceptions provided in the dDCO at Article 8(3)(a)-(c) are necessary in relation to the project. Ms. Graham offered a summary of the general position, explaining that (a) and (c) are standard provisions. As regards sub-paragraph (b), Ms. Graham confirmed that the Applicant would provide further justification as to why it considers such a transfer without the consent of the Secretary of State would be appropriate.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <u>AP8 – Justify the exceptions in Article 8(3) (i.e. transfer without the Secretary of State's consent), in particular in relation to a transfer or grant to Electricity Northwest Limited.</u></li> <li>• See the WS to AP8 in the ARAP-ISH [D5.10].</li> </ul>
1(f)	<p><b>Hearing Agenda Item – 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]).</b></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA noted that the notification period in the dDCO had changed from five business days to ten business days, but that the provision in the Stonestreet Green Solar DCO was for fourteen working days. The ExA requested that the Applicant review the notification period in the Stonestreet Green Solar DCO to ensure that the notification period in the dDCO is appropriate, having regard to precedents.</p> <p>Ms. Graham highlighted a lack of consistency on the wording of notification periods across made DCOs generally, but noted that the period in the Applicant's dDCO was consistent with the majority of made solar DCOs. Ms. Graham advised that the notification period in the dDCO is not the same as in Stonestreet because the Applicant considers the period of '14 working days' to be an unusual period to specify. The notification period in the dDCO was consistent with others, for example, Tillbridge and Byers Gill. The latter of which the Secretary of State amended the period to '10 business days'.</p>

No.	Agenda Item / Applicant's Written Summary
	<p>Ms. Graham confirmed the Applicant would review the most recently made solar DCOs and confirm the position in writing.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>AP9</b> – With reference to precedent, confirm whether any further amendment to the notification period in Article 8 is considered necessary.</li> <li>• See the WS to AP9 in the ARAP-ISH [<b>D5.10</b>]</li> </ul>
1(g)	<p><b>Hearing Agenda Item</b> – <i>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]).</i></p> <p><b>Applicant Written Summary:</b></p> <p>Cumberland Council confirmed that the Council had held discussions with the Applicant on this matter and it is subject to an agreed matter in the draft Statement of Common Ground. [<b>REP4-016</b>] at CC.EHO.16. Cumberland Council confirmed that it is satisfied with the provision.</p>
1(h)	<p><b>Hearing Agenda Item</b> – <i>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></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA commented that the examples of schemes including similar provisions relating to the New Roads and Street Works Act 1991 (“the 1991 Act”) provided by the Applicant in Q11.0.10 of AREQ1 [<b>REP2-010</b>] and 1(b) of ARISH-A [<b>REP3-015</b>] were not solar schemes.</p> <p>Ms. Graham noted that a version of Article 12 appears in the Byers Gill Solar Order 2025, though without the disapplication provisions. Ms. Graham explained that the type of scheme is not necessarily relevant because, for example, a highways scheme or an energy could both include street works powers. She confirmed that for the purposes of the Dean Moor DCO, it is the specific (albeit limited and minor) nature of the street works to be carried out that necessitates the disapplication of certain sections of the 1991 Act, rather than the nature of scheme itself.</p> <p>Ms. Graham explained that, works described as ‘<i>major highways works</i>’ in the 1991 Act include tunnelling or boring under a highway (s86(3)). There is a small section of road within the Proposed Development that could be required to be tunnelled-under in order to route a cable. And</p>

No.	Agenda Item / Applicant's Written Summary
	<p>without the disapplication provisions provided by Article 12, the cable works could be caught by the 1991 Act and the Council would have the power to frustrate the works being undertaken, for example by invoking s58A (<i>restriction on works following substantial street works</i>).</p> <p>Ms. Graham went on to explain that Article 12 seeks to regulate the position between the 1991 Act and the powers that would be granted by this Order. The street works would be undertaken under the specific consent of the Order and subject to the controls and restrictions within the Order, set out in the streets works articles and the relevant management plans. Ms. Graham suggested that there may be other solar DCO applications currently under examination which contain similar provisions and offered to investigate and confirm in writing.</p> <p>In response to a question about consultation on the street works, Ms Graham highlighted that consultation on the streets works proposed under the dDCO formed part of the consultation of the Proposed Development undertaken prior to the application being made.</p> <p>The ExA asked whether these works are dealt with in the Outline Construction Traffic Management Plan (OCTMP) [REP2-025]. Ms. Graham confirmed this was the case and that the OCTMP has been largely agreed with Cumberland Council. Ms. Graham then clarified that Article 12 does not contain power to undertake the street works, rather it deals with how the DCO interacts with the 1991 Act; the works themselves are dealt with in other articles (e.g. Article 11, street works) and are also set out at Schedule 1.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <u>AP10 – Justify why Article 12 is required for the Proposed Development. Explain the extent to which street works have been consulted on.</u></li> <li>• See the WS to AP10 in the ARAP-ISH [D5.10]</li> <li>• The Applicant would like to make a point of clarification. During the discussion on this agenda item at the ISH, the Applicant gave the example of tunnelling under the highway in respect of the laying of a cable. However, the Applicant would like to confirm that it is not anticipated that there will be a requirement to tunnel under the highway and the laying of the cable will likely be undertaken using a trenching / 'cut and cover' method.</li> </ul>

No.	Agenda Item / Applicant's Written Summary
1(i)	<p><b>Hearing Agenda Item</b> – <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]).</i></p> <p><b>Applicant Written Summary:</b></p> <p>Cumberland Council confirmed to the ExA that it understood the implications of the powers sought under of Articles 13 and 15 and that this was covered in initial discussions with the Applicant. Ms. Graham confirmed that there was general agreement between the Applicant and Cumberland Council on this issue in the Statement of Common Ground [REP4-016][D5.18].</p> <p>The ExA identified that there was a date missing from Article 15(7) in relation to public rights of way (PRoW) and queried the relevance of the provision given there are no PRoW within the Order limits.</p> <p>Ms. Graham clarified that the provision is designed to deal with PRoW that may be added to the definitive map in the future. Ms. Graham confirmed that the date at Article 15(7) would need to be added and that the date would likely be on or before the conclusion of the Examination.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <u>AP11 - Confirm the date to be added to Article 15(7).</u></li> <li>• See the WS to AP11 in the ARAP-ISH [D5.10]</li> </ul>
1(j)	<p><b>Hearing Agenda Item</b> – <i>Applicant to explain which private roads could be affected by article 17.</i></p> <p><b>Applicant Written Summary:</b></p> <p>Ms. Graham confirmed that Article 17 only related to private roads within the Order limits and that there were a number of private access tracks within the site which could be caught by this article. Ms. Graham explained that the purpose of Article 17 is to enable the Applicant to make use of such roads or tracks temporarily, and alongside other permitted users, without acquiring rights.</p>

No.	Agenda Item / Applicant's Written Summary
	<p>In response to the ExA's suggestion that the list of private roads affected by Article 17 be included in a schedule to assist him and the Secretary of State, Ms. Graham stated that it would be difficult to name the access tracks specifically. She confirmed that while it might be possible to identify them on a map that could be provided to the ExA, this was not the usual approach for DCO.</p> <p>Ms. Graham confirmed that the Applicant would review existing plans comprised in the application documents and identify if the tracks can be highlighted to the ExA. Mr. Marsh confirmed the Applicant would consider whether there is a precedented approach on this point.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <u>AP12 – Identify which plan within the application shows roads within the Order limits which could be subject to the power under Article 17.</u></li> <li>• See the WS to AP12 in the ARAP-ISH [D5.10]</li> </ul>
1(k)	<p><b>Hearing Agenda Item – 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.</b></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA resolved that this agenda item would be better dealt with in the Compulsory Acquisition Hearing (CAH) on 7 November. Ms. Graham confirmed that the Applicant had no objection to this.</p>
1(l)	<p><b>Hearing Agenda Item – 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]).</b></p> <p><b>Applicant Written Summary:</b></p> <p>Ms. Graham confirmed that Article 32 deals with rights under and over streets, and allows the Applicant to use the land above or below a street without having to acquire an interest in that land or interfere with ownership.</p> <p>Ms Graham advised this is necessary because often the highway interest in the land is separate to the ownership of land underneath. As such, Article 32 would allow the Applicant carry out with works and interfere with highway without having to acquire right at that stage, for example for the purposes of laying a cable in a street.</p>

No.	Agenda Item / Applicant's Written Summary
	<p>In response to the ExA's question about who might own the land and to what extent ownership was being investigated by the Applicant, Ms. Graham responded that, in respect of the land within the Order limits, ownership and interests in the land have been investigated by the Applicant and are listed on a plot-by-plot basis in the Book of Reference [APP-016].</p> <p>ExA agreed remaining discussion on this matter would be dealt with at the CAH.</p>
1(m)	<p><b>Hearing Agenda Item – 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]).</b></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA decided that because this agenda item related to temporary possession, it would be more appropriately dealt with at the CAH. The Applicant had no objections.</p>
1(n)	<p><b>Hearing Agenda Item – 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.</b></p> <p><b>Applicant Written Summary:</b></p> <p>In response to the ExA's questioning about the extent of the land within the Order limits which would be considered operational land, Ms. Graham confirmed that the intention of Article 40 is that it applies to the entire Order limits and therefore all land within the Order limits is treated as operational land for the purposes of the 1990 Act.</p> <p>Ms. Graham advised that for the purposes of the dDCO, development consent granted by the Order would be treated as specific planning permission. The DCO relates to the Proposed Development in its entirety, not just solar infrastructure. Ms. Graham also highlighted that Article 40 is standard and based on the model provisions. It is preceded in all made solar DCOs to date.</p> <p>Ms. Graham proposed the Applicant provide a written response to the ExA's second question on Environmental Impact Assessment considerations.</p>



No.	Agenda Item / Applicant's Written Summary
	<p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>AP13</b> – Confirm the extent of the land within the Order limits that Article 40 applies to and the relevance of the definition of ‘operational land’. <u>Explain which permitted development rights apply and the extent to which they could lead to significant environmental effects.</u></li> <li>• See the WS to AP13 in the ARAP-ISH [D5.10]</li> </ul>
1(o)	<p><b>Hearing Agenda Item – 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.</b></p> <p><b>Applicant Written Summary:</b></p> <p>Ms. Graham confirmed the Applicant's position that the provision is necessary in its entirety. Ms Graham outlined the requirement each of the sub-paragraphs.</p> <p>Ms. Graham explained that sub-paragraph (2) has been included to address and accommodate the Supreme Court's decision in <i>Hillside Parks Ltd v Snowdonia National Park Authority</i>. That case determined that where there are overlapping planning permissions on a parcel of land, if one of the permissions is implemented so that it gives rise to a physical incompatibility with the other permission, that other permission could then not be implemented. Therefore, sub-paragraph (2) addresses any potential inconsistencies between the Order and the existing planning permission in respect of the Potato Pot wind farm.</p> <p>Ms. Graham confirmed that sub-paragraphs (3) and (4) include more general provisions. Sub-paragraph (3) deals with circumstances where works are carried out under the DCO and there is an overlapping future planning permission. The drafting is to ensure that in such instances the two could legally co-exist, if appropriate, and not give rise to the need for enforcement action. Sub-paragraph (4) deals with the converse situation; it ensures that where works have been implemented under a planning permission, that would not cause the DCO to become invalidated permission. Ms. Graham explained that sub-paragraph (1) has been included in DCOs prior to the Hillside case and it avoids unintended incompatibility between the DCO and any to future planning permissions sought in relation to the Proposed Development.</p> <p>The ExA invited comments in relation to Secretary of State's decision to strike out a similar article in the Stonestreet Green Solar DCO.</p>

No.	Agenda Item / Applicant's Written Summary
	<p>Ms. Graham cited the decision letter in that case, which stated that the article had been removed because it was both unnecessary and created ambiguity. She reiterated that the Applicant considers it necessary for the purposes of this DCO for the reasons explained and that, in fact, the Applicant's position is that the provision would help to avoid ambiguity were any future planning permissions to come forward that overlap with the Site.</p>
<b>NA. 2</b>	<p><b>Hearing Agenda Item:</b> <i>General Points Part 2</i></p> <p><b>Applicant Written Summary:</b></p> <p>Ms. Graham confirmed that the list of documents Schedule 13 was a complete list of the certified documents. However, the schedule would need to be updated before the end of the Examination to reflect the latest versions of the documents, where revisions had been submitted during the course of the Examination. This may require splitting out the Environmental Statement, which is currently listed a single document, to reflect where specific documents within the Environmental Statement had been updated.</p> <p>Ms. Graham confirmed that an address would be added to the Explanatory Note to identify where copies of certified documents will be stored for public inspection.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <u>AP14 – Update Schedule 13 of the dDCO to reflect the latest versions of certified documents.</u></li> <li>• <u>AP15 – Confirm address for inspection of certified documents within the Explanatory Note.</u></li> <li>• See the WS to AP14 and AP15 in the ARAP-ISH [D5.10]</li> </ul>

### 3 Environmental Impact Assessment (EIA) and General Matters

Table 3.1: Applicant Written Summary Oral Submissions - ISH Agenda Item 2 (EIA & General Matters)

No.	Agenda Item / Applicant's Written Summary
2(a)	<p><b>Agenda Item – <i>General points of clarification.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA asked that the Applicant to check the Policy Compliance Document (PCD) [APP-027] to ensure it is up to date and consistent with the policies in the updated Planning Statement (PS) [AS-010] and the Council's commentary in the Local Impact Report (LIR) [REP2-058]. Mr. Marsh confirmed this would be taken away as an AP for D5.</p> <p>Mr. Legg then confirmed that although an updated PS was provided, this was to correct a footnote error which was done as a pre-Examination request [PD-003] with no change to the policy in the PS.</p> <p>The ExA confirmed it was understood that changes may be limited but wants the Applicant to be confident in consistency between documents for the D5 written response.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>AP16:</b> Check the Policy Compliance Document for consistency with the Planning Statement.</li> <li>• See the WS to AP16 in the ARAP-ISH [D5.10]</li> </ul>
	<p><b>Agenda Item – <i>General points of clarification.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>N/A – No Applicant oral submission was made. This text is included because it led to an AP for the Council and is recorded here for that purpose and as context for subsequent Applicant oral submissions summarising APs.</p>

No.	Agenda Item / Applicant's Written Summary
	<p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <u>AP17: Cumberland Council to provide a copy of all relevant Local Plan documents to the ExA</u></li> </ul> <p><b>Agenda Item – <i>General points of clarification.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA asked the Applicant to expand on several matters relating to the Grid Connection Statement (GCS) [APP-176]. Ms. Graham responded to confirm that these should be relatively straightforward matters and can be appropriately dealt with as a WS for D5.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <u>AP18: Outline the broad terms of the Grid Connection Statement including the duration of the agreement.</u></li> <li>• See the WS to AP18 in the ARAP-ISH [D5.10]</li> </ul> <p><b>Agenda Item – <i>General points of clarification.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA asked that a consistency check exercise be undertaken in relation to the Consents and Agreements Position Statement (CAPS) [APP-025] and to ensure that for D5 it is up to date.</p> <p>Mr. Marsh confirmed there would be a consistency check and that the Applicant would update the document for D5 if required.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>AP19:</b> Check whether any updates are required to the Consents and Agreement Position Statement.</li> <li>• See the WS to AP19 in the ARAP-ISH [D5.10]</li> </ul>

No.	Agenda Item / Applicant's Written Summary
	<p><b>Agenda Item – <i>General points of clarification.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA raised a question in relation to ES Chapter 4 – Alternatives and Design Evolution [<a href="#">APP-035</a>] and asked for an overview of the 4-stage site selection process works and particularly in relation to how sites outside the immediate area and locality were considered and sites beyond the point of connection (POC).</p> <p>Mr. Marsh confirmed that the Applicant would need to discuss internally to consider an oral submission. After an adjournment Marsh advised that the topic of alternative sites would be provided in a WS.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>AP20:</b> Regarding ES Chapter 4 and Site selection, confirm if/how sites beyond the immediate locality and the POC were considered.</li> <li>• See the WS to AP20 in the AWS-ISH [<a href="#">D5.10</a>].</li> </ul>
	<p><b>Agenda Item – <i>General points of clarification.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA asked about the Potato Pot Wind Farm (the Wind Farm) in relation to the red line boundary (RLB) location plan associated with the Wind Farm planning permission provided in association with the Applicant Response to Examination Question 1 (AREQ1) (1 of 2) [<a href="#">REP2-010</a>] question Q4.0.8 and provided as Appendix F in AREQ1 (2 of 2) [<a href="#">REP2-011</a>].</p> <p>The ExA asked for additional clarity in relation to the repowering or decommissioning of the Wind Farm, whether there are any other potential conflicts with the Proposed Development, both inside and outside the Wind Farm RLB.</p> <p>Mr. Robert Devas (Mr. Devas), lead EIA expert for the Applicant, responded. Mr. Devas explained that the Wind Farm and its decommissioning was considered across the ES for each topic where relevant and noted that the Wind Farm decommissioning will have to be done in accordance with an environmental management plan to be approved by the Council.</p>

No.	Agenda Item / Applicant's Written Summary
	<p>Mr. Devas noted that the Wind Farm operator Vantage RE Limited (Vantage RE) had made a Relevant Representation (RR) <a href="#">[REP2-060]</a> expressing concern about impacts and constraint on repowering but confirmed matters have now been agreed between the Applicant and Vantage RE and an update would hopefully be provided to the ExA soon. He then offered to provide an overview/timeline of the Wind Farm.</p> <p>Following the ExA's clarification of a particular interest in the particularly the potential for overlaps or conflict outside of the RLB and the situation 'on-the ground' in consultation with the Wind Farm operator Mr. Devas advised that a full response will be provided as a WS.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <u><b>AP21:</b> Consider any potential conflict between the Potato Pot Wind Farm with the Proposed Development, particularly with regard to works outside of the Wind Farm red line boundary</u></li> <li>• See the WS to AP21 in the ARAP-ISH <b>[D5.10]</b></li> </ul>
	<p><b>Agenda Item – <i>General points of clarification.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA asked about a comment raised in the Environment Agency (EA) RR <a href="#">[REP-017]</a> as reported in the Applicant Response to Relevant Representations (ARRR) <a href="#">[REP1-002]</a> at the bottom of page 42 of the ARRR. This was on the topic of additional ground investigation and subsequent Generic Quantitative Risk Assessment (GQRA) and the extent to which this is secured by a control document or is an issue that may or may not be resolved as it does not appear to be addressed in the EA dSoCG <a href="#">[REP4-009]</a>.</p> <p>Mr. Marsh requested that this be taken away for a WS, which was agreed.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <u><b>AP22:</b> On the Generic Quantitative Risk Assessment (GQRA) noted in the ARRR [REP1-002], confirm to what extent is this secured by a control document and agreed with the Environment Agency</u></li> <li>• See the WS to AP22 in the ARAP-ISH <b>[D5.10]</b></li> </ul>

No.	Agenda Item / Applicant's Written Summary
	<p><b>Hearing Agenda Item – <i>General points of clarification.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA raised the Funding Statement [APP-015] and queried that funding for decommissioning via a 'bond' or fund is not mentioned in the Funding Statement or control documents. He asked how decommissioning is funded and secured and advised there is a second question relating to dDCO Requirement 13 - Decommissioning and Restoration.</p> <p>On Requirement 13, the ExA noted that non-compliance with the requirement for decommissioning after the 40-year operational period would be a criminal offense but asked to what extent the Applicant has provided evidence of being able to carry this out. The ExA advised that he thinks a bond was included in the Stonestreet Green DCO but confirmed that, in general, the question is about decommissioning and how it is funded.</p> <p>Mr. Marsh responded that this is a new matter, and a response would be best provided in a WS. However, to the bond point, Mr. Marsh set out that that 'bonds' are more commonly associated with Town and Country Planning Act (TCPA) application projects, and that he was not aware of this being a requirement for any solar DCO project. Mr. Marsh confirmed that the Applicant would give this matter further consideration in relation to the approach to decommissioning vis a vis the Funding Statement and the consideration of any bond needing to be secured via the DCO.</p> <p>Following an adjournment Mr. Marsh returned briefly to the topic of a bond and advised that he was unable to locate a requirement for a bond for decommissioning in The Stonestreet Green Solar Order 2025. Mr. Marsh acknowledged that there is a reference to a bond in that DCO, but that this is related to protective provisions for the benefit of National Grid and is in relation to construction and not to decommissioning.</p> <p>The ExA advised he did not have more information to hand on this matter but that the initial findings of the Applicant may well form part of the Applicant's written submission.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>AP23:</b> <u>Explain how the decommissioning of the Proposed Development will be secured and whether a decommissioning fund or bond is required (consider in relation to the Funding Statement).</u></li> <li>• See the WS to AP23 in the ARAP-ISH [D5.10].</li> </ul>

No.	Agenda Item / Applicant's Written Summary
	<p><b>Hearing Agenda Item – <i>General points of clarification.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA returned to a topic from the dDCO Agenda session which had an aspect relating to EIA matters for further discussion and Ms. Graham confirmed that this is in relation to 'Item 1(c)' and the topic of permitted preliminary works and how they are considered within the Environmental Statement (ES). Ms. Graham, handed over to Mr. Devas as the Applicant's EIA expert.</p> <p>Mr. Devas advised that the ES had not considered preliminary (pre-construction) works because likely significant environmental effects in respect of those activities are not anticipated, and under the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations'), only likely significant environmental effects resulting from a proposed development are required to be considered rather than all possible environmental effects.</p> <p>The ExA confirmed that this was helpful but wondered if there is any other part of the application in which this topic is addressed such as the Planning Statement [<a href="#">AS-010</a>] or anywhere which explains the extent of preliminary works, and advised that he would like the Applicant to help 'bridge the gap' between what must be assessed for EIA purposes and what is being proposed in its entirety for assurance that there would not be in-combination or cumulative effects, noting this will be a matter required as an AP for a D5 WS.</p> <p>Mr. Devas confirmed this was understood and the WS would be provided to cover this topic.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>AP24:</b> Confirm the extent to which 'permitted preliminary works' have been considered for the ES assessment and the application as-a-whole.</li> <li>• See the WS to AP24 in the ARAP-ISH [<a href="#">D5.10</a>]</li> </ul>
2(b)	<p><b>Hearing Agenda Item – <i>Update on Statements of Common Ground.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA asked about the status of the various dSoCGs including those with Historic England and Natural England. Mr. Marsh confirmed that progress has been made on the dSoCGs and handed over to Mr. Legg, as the Applicant's planning lead, to provide the update.</p>



No.	Agenda Item / Applicant's Written Summary
	<p>Mr. Legg confirmed that the Applicant has agreed final dSoCGs with the Mining Remediation Authority (MRA) [REP2-017], Lake District National Park Authority (LDNPA) [REP3-017], Cumbria Wildlife Trust (CWT) [REP4-007], Natural England [REP4-011], the Environment Agency [REP4-009] and National Highways (NH) [REP4-013] which were provided at or before D4, as well as a more recent dSoCG with Historic England (HE) [AS-021] which was only accepted as an Additional Submission a day before the ISH.</p> <p>Mr. Legg advised that the only dSoCG with outstanding matters under discussion is the Council's dSoCG [REP4-015]. He confirmed that the majority of that dSoCG is final and there are only two matters which remained in the 'under discussion' section of the recent D4 dSoCG.</p> <p>Mr. Legg confirmed that one of these was touched on earlier in relation to the legal matters and the dDCO, and that the other related to the topic of employment and skills provision. Mr. Legg confirmed that, for this topic, the Applicant agreed with the Council that measures would be integrated into construction and operational control documents, updated versions of which were submitted at D4. He advised that the matter was left 'under discussion' to give the Council time to fully consider the updates, with the expectation this could be moved into 'agreed' for D5.</p> <p>Mr. Legg advised that with respect to the outstanding legal matter, this related to Temporary Possession (TP) and associated DCO street works provisions. Mr. Legg noted that the works themselves to which TP would relate had been informed by advice from the Council, and while the Council's commentary via the dSoCG on this topic was outstanding, the works themselves had been affirmed by the Local Highway Authority (LHA) in the dSoCG, particularly at CC.LHA.9.</p> <p>Mr. Legg clarified that the wording of the 'under discussion' matter relating to legal review of the dDCO street works related articles/schedules could be made clearer for the next version, and that the Applicant expected this to be advanced for D5.</p> <p>The ExA then asked for a further update on the employment and skills topic, asking if the intention was to provide a standalone document for this, or questioned whether the response is in the Applicant Response to the Local Impact Report (ARLIR) [REP3-008].</p> <p>Mr. Legg confirmed that through consultation with the Council it was agreed that provisions for this topic would be made in the OCEMP [REP4-021][D5.14] to apply to the construction phase and the OOMP [REP4-019] [D5.13] to apply to the operational phase. Mr. Legg advised that the principle of this approach was agreed with the Council and the Applicant was awaiting their feedback on those D4 documents before this matter could be agreed. At the ExA request this was also confirmed by the Council who also advised that they are hopeful this can be updated for D5.</p>

No.	Agenda Item / Applicant's Written Summary
	<p>The ExA then asked for an update on the dSoCG with NE since the original version submitted at D2 [REP2-018]. Mr. Legg confirmed that this (and the version at D3 [REP3-024]0 was superseded by the D4 dSoCG [REP4-011] as a final version with no matters remaining 'under discussion'.</p> <p>The ExA asked whether there was an expectation of a complete (final) set of dSoCG with all IPs with matters agreed and no outstanding points of disagreement. Mr. Legg confirmed this was the case but acknowledged that it was possible matters could arise from the hearings which could need to be accounted for before the end of the Examination. Mr. Legg said that at this time it was not anticipated that further updates would be required and would only be actioned if needed.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <u>AP25: Submit updated dSoCGs at D5 and provide written response giving a status update (pending signature, signed, or still under discussion matters) for each dSoCG.</u></li> <li>• See the WS to AP25 in the ARAP-ISH [D5.10]</li> </ul>

## 4 Design

**Table 4.1: Applicant Written Summary Oral Submissions - ISH Agenda Item 3 (Design)**

No.	Agenda Item / Applicant's Written Summary
3(a)	<p><b>Hearing Agenda Item –</b> <i>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].</i></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA began by asking that certain documents be ready to hand, including the Design Approach Document (DAD) [APP-029] and the Design Parameters Document (DPD) [APP-028] and asked to begin the discussion with DAD Table 4.1 – Project Design Principles (PDP). The ExA noted that the PDP did not seem to reflect a context-led response or mention aesthetics, and neither was it mentioned in the vision at section 4.2.</p> <p>The ExA then pointed to DPD section 2 where parameters are provided for each work, and then discussed various things which do not seem to be included in the DPD or which are included but where he was uncertain of how aesthetics have factored in. He asked if the Applicant had any initial comments before he raised the question which would be the subject of a D5 action.</p> <p>Mr. Marsh responded by handing over to Mr. Legg, who advised that some overall commentary could be provided. Mr. Legg noted that EN-1, at 4.7.11 advises that for decision-making the SoS will consider <i>'both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located, any potential amenity benefits, and visual impacts on the landscape or seascape) as far as possible.'</i></p> <p>Mr. Legg advised that, for solar PV, there is limited opportunity for aesthetic consideration with limited choices only potentially available for certain elements like types of fence posts or colour of some buildings/containers. He explained that the overwhelming amount of development across the Site is Work No. 1 which is concerned with solar arrays with no possibility to change their external appearance other than through good design led by layout and landscaping. Alongside this are parameters that limit heights and sizes of things and specifying colours for buildings that help them to blend in.</p>

No.	Agenda Item / Applicant's Written Summary
	<p>Mr. Legg then set out that, with respect to the Work No 2 infrastructure, such as the substation buildings mentioned by the ExA, materials to be used would be determined by the Distribution Network Operator (DNO) according to the function of the infrastructure, their design and safety standards.</p> <p>On boundary treatments and landscaping, Mr. Legg confirmed that the Applicant would respond in the WS to explain the approach, while acknowledging that the DPD sets parameters, but the details themselves would be fixed as part of the detailed design.</p> <p>The ExA then asked the Council to confirm if they are satisfied by these matters being left to the DCO Requirements. Mr. Hayhurst, for the Council, confirmed that it was appropriate to leave these matters to be managed through the control documents as a layout and plans will be needed to be able to assess and help define design requirements and can only then consider proposed materials and boundary treatments. Mr. Hayhurst also noted that if the Applicant was intending to update the DPD, the Council would look forward to discussing this with the Applicant.</p> <p>The ExA then confirmed the AP for D5 on consideration of opportunities to advance and refine the design aesthetics.</p> <p>Mr. Marsh confirmed the Applicant would consider this point further but noted the Applicant has submitted several responses on this previously and the Applicant would consider whether further analysis could be undertaken and confirm either way.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <u><b>AP26:</b> Review the DPD and consider the matters raised by the ExA in relation to local context / aesthetic considerations. Consider, and discuss with the Council whether any further changes can be made to refine in the DPD terms of aesthetics</u></li> <li>• See the WS to AP26 in the ARAP-ISH [<b>D5.10</b>].</li> </ul>

## 5 Climate Change

**Table 5.1: Applicant Written Summary Oral Submissions - ISH Agenda Item 4 (Climate Change)**

No.	Agenda Item / Applicant's Written Summary
4(a)	<p><b>Hearing Agenda Item – <i>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].</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA noted that, in the Applicant Response to EXQ2 (AREQ2) [REP4-004], the Applicant had committed to providing a supplemental technical note (TN) to be provided after D4, and inquired into the status of the document.</p> <p>Mr. Marsh advised that a document has been produced, but a decision was made to not submit the document before the hearing as this Agenda Item would provide the Applicant with an opportunity to take on board the ExA's expectations as they relate to the assessment which could lead to changes to the TN. The Applicant had not wanted to submit the TN just before the hearing, only to need to submit again after.</p> <p>Mr. Marsh then handed over to Ms. Caroline Dinnage (Ms. Dinnage) as the Applicant's climate change expert and the author of the forthcoming 'Carbon Emissions Lifecycle Assessment (CELA)' TN [D5.27].</p> <p>The ExA provided further context for what he was looking for in the TN and why and advised that the TN would help to add nuance to his balancing act when considering any climate change benefits against policy and potential environmental harms when making his recommendation to the Secretary of State. The ExA set out further the things he would expect the CELA to provide. The ExA then asked the Applicant to comment on the extent to which the ES calculations are location specific.</p> <p>Ms. Dinnage began by confirming that the ES Chapter 9 – Climate Change [APP-040] assessment was project specific with respect to the size, but that other aspects were not location (Site) specific, but based on a national load factors affecting performance and in relation to the national grid energy mix, which was a standard approach used across multiple solar DCO projects.</p> <p>Ms. Dinnage then discussed the CELA and confirmed it assesses the construction emissions, including embodied carbon, transport of products, materials, worker transport, fuel use, waste, and water use. It then assesses the operational phase and emissions associated with operations and</p>

No.	Agenda Item / Applicant's Written Summary
	<p>maintenance (O&amp;M) activities like transport and repair. Ms Dinnage confirmed that the TN considers decommissioning, which is mainly transport, waste processing, and fuel use.</p> <p>Ms Dinnage confirmed that the TN would set out a more granular approach to the Proposed Development emissions, although grounded in the ES Chapter 9 assessment in using the UK grid average carbon intensity. She confirmed that the TN would provide a thorough lifecycle approach, accounting for emissions across the lifecycle and then considering the Proposed Development's potential clean energy output and its own carbon intensity against that of the grid.</p> <p>Ms. Dinnage advised that this could add insight into what is behind the outcomes of ES Chapter 9 in relation to significance of effects and would do so in accordance with the Institute of Sustainability and Environmental Professional (ISEP) 2022 guidance on assessing greenhouse gas emissions and evaluating their significance which provides the methodology for the calculations.</p> <p>The ExA then inquired into how the Applicant has considered approaches taken by other projects and the extent to which there is consistency with those projects.</p> <p>Ms. Dinnage advised that the TN is supported by the outcome of an extensive review of other solar DCOs, and it would set out how and where the Applicant has relied on other projects for its assessment purposes, without relying on only one other project given the lack of consistency across all projects. This had meant reviewing different data sets and applying reasoned professional judgement as to what best applied to the Proposed Development, keeping in mind similarities and differences and being in-proportion and Site specific as much as possible.</p> <p>In response to ExA inquiry as to when the TN might be forthcoming Ms. Dinnage confirmed it was the Applicant's intention to submit it before D5.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>AP27:</b> <u>Submit the Lifecycle Carbon Assessment Technical Note in advance of Deadline 5.</u></li> <li>• See the Carbon Emissions Lifecycle Assessment (CELA) Technical Note [D5.27]</li> </ul>

## 6 Cultural Heritage / Historic Environment

**Table 6.1: Applicant Written Summary Oral Submissions - ISH Agenda Item 5 (Cultural Heritage)**

No.	Agenda Item / Applicant's Written Summary
5(a)	<p><b>Hearing Agenda Item</b> – <i>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'.</i></p> <p><b>Applicant Written Summary:</b></p> <p>Ahead of, but related to Agenda Item 5(a), the ExA asked the Applicant to give a status update on the Historic England (HE) dSoCG [AS-012] (tracked [AS-022]) which was published as an AS on 10<sup>th</sup> November.</p> <p>Mr. Legg confirmed that the update addresses all outstanding matters from the D2 version, including matters raised by the ExA in EXQ1 regarding visualisations, and by HE's RR [RR-016] in relation to methodology and the associated revisions to the Historic Environment Desk Based Assessment (HEDBA) [REP2-030].</p> <p>The ExA turned to the methodology, noting that the Applicant's submission included a 4-point scale and HE's RR had recommended a 5-point scale in identifying level of harm.</p> <p>Mr. Peter Owen (Mr. Owen), on behalf of HE, confirmed that the further work undertaken by the Applicant for D2 had resolved any earlier concerns raised by HE as to methodological approach and that regardless of the actual number of points in that scale, the predicted significance of effect for the relevant designated assets has remained the same.</p>
5(b)	<p><b>Hearing Agenda Item</b> – <i>Understanding the views of Historic England on the further photographs provided by the applicant in relation to Stone Circle [REP3-015 and REP3-026].</i></p> <p><b>Applicant Written Summary:</b> The ExA asked HE for their thoughts on the photographs/visualisations provided by the Applicant [REP3-026] and Mr. Owen confirmed that HE consider the photographs as effectively representative of views from the large irregular stone circle and a round cairn on Dean Moor (the Stone Circle and Cairn) Scheduled Monument (SM) as affirmed by the recent dSoCG [AS-012] .</p>

No.	Agenda Item / Applicant's Written Summary
	<p>Following HE's related affirmation of the photographs/visualisations provided by the Applicant Mr. Marsh introduced Mr. Harry Clark (Mr. Clark) as the Applicant's heritage expert. Mr. Clark offered to expand on matters relating to methodology and visualisations [Items 5(a) and 5(b)] but otherwise confirmed they are as affirmed by Mr. Owen and the updated dSoCG</p>
5(c)	<p><b>Hearing Agenda Item – <i>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.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA asked the Applicant to explain how the conclusions of 'less than substantial harm' have been arrived at for the English Lake District World Heritage Site (WHS), which is a designation that aligns with the boundaries of the designated Lake District National Park (LDNP).</p> <p>Mr. Clark confirmed that ES Chapter 6 – Cultural Heritage [REP2-027] identified the WHS as an asset of the highest significance. He confirmed that the authenticity and the integrity of the WHS would be preserved. The Proposed Development would not affect the prominence of the elements which form the Outstanding Universal Value (OUV) of the WHS itself, which is of sufficient size to contain all the attributes of the OUV that make it unique and globally significant.</p> <p>Mr. Clark advised that, with respect to the OUV, criterion 2, 5, and 6 set out the significance of the English Lake District into three elements, the beauty of its landscape, its actual use and development, and more, the aesthetic ideas associated with the WHS. The archaeological, historic and artistic interest defines the significance of these elements.</p> <p>Mr. Clark confirmed that, while the WHS does not have a defined buffer zone, it does have a setting as it is a heritage asset in its own right.</p> <p>He set out that the Proposed Development would be visible within this setting from some high fells within the WHS looking out toward the Irish Sea, and this is also discussed within ES Chapter 7 – Landscape and Visual Impact [REP2-032]. Therefore, the Proposed Development would result in a change to the wider landscape setting of a part of the WHS, which will affect views looking out west from high points within the WHS, against that backdrop of industrial development of Workington towards the Irish Sea.</p>



No.	Agenda Item / Applicant's Written Summary
	<p>Mr. Clark confirmed that it is in respect of these views that the environmental effects arise, and that this is picked up in the LDNPA dSoCG [REP3-017] with respect to the effect of the views over the temporary 40-year lifetime of the Proposed Development, which translates to less than substantial harm to the WHS attributes of extraordinary beauty and aesthetic harmony.</p> <p>Mr. Clark explained that it is the ideas of beauty, and beauty of the landscape, which inherently make up the LDNP and its OUV as a WHS. So, for those experiencing the asset within the locations of the WHS with views that take in the Site there would be a marginal change, which is assessed in the ES as negligible. But, based on this slight change to the setting of the WHS with very marginal change in views out of the WHS, this is a minor adverse impact in the EIA methodology.</p> <p>Following a summary by the ExA Mr. Clark affirmed the ExA's understanding and reiterated that this is only a very small part of the setting of the LDNP/WHS, and the ES conclusions reflect that it is right to acknowledge the change to the landscape through the assessment process.</p> <p>The ExA then asked Mr. Ben Long (Mr. Long), of the LDNPA if he had anything further to add. Mr. Long confirmed that Mr. Clark had set out the position very eloquently and he agreed with the assessment that there was some effect but of a very low magnitude.</p>
5(d)	<p><b>Hearing Agenda Item – <i>Clarification on the applicant's and Cumberland Council's position in relation to the level of less than substantial harm for each asset.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA asked about the Wythemore Sough and Adjoining Farm and Barn (Wythemore Sough) Grade II Listed Building (LB) and the Stone Circle and Cairn SM and the spectrum of harm and the assessment process with respect to the National Policy Statement (NPS) policy test. He asked Mr. Clark to provide insight into the conclusions of 'less than substantial harm' in relation to these cultural heritage assets.</p> <p>Mr. Clark confirmed that the question speaks to the differences between an EIA assessment and the policy of NPS EN-1 section 5.9 which reflects also the policy of the National Planning Policy Framework (NPPF) and advised that he would consider the assets in turn.</p> <p>Mr. Clark set out that, for the Stone Circle and Cairn, there would be no direct impact on the SM or a change to its immediate setting, but that the introduction of Proposed Development infrastructure would change the character of the wider setting, albeit set back at a distance and not</p>

No.	Agenda Item / Applicant's Written Summary
	<p>affecting the longer-distance sight lines from the asset's high elevation point. Therefore the impact is one of setting which is due to the prominent position of the Stone Circle and Cairn.</p> <p>Mr. Clark confirmed that ES Chapter 6 – Cultural Heritage [REP2-027] assessment finds a moderate adverse, and therefore significant effect, but that in NPS terms this is less than substantial harm. He advised that within ES Chapter 6 there cannot be a graduation exercise in relation to NPS policy because it is an EIA assessment and this would muddy the waters of the two assessment methodologies.</p> <p>Mr. Clark then sought to clarify that what the ExA was asking for was a view on where it sits in the spectrum of less than substantial harm. The ExA confirmed this was what he would like, but that he acknowledged Mr. Clark could respond to advise if it was his view this should not be requested. Mr. Clark responded that with respect to scale his assessment had only considered where it sits on a scale of no harm, less than substantial harm, substantial harm, and total loss.</p> <p>Turning to the Wythemore Sough LB, Mr. Clark advised that he found that, due to the position of the receptor, there is visual interactivity with part of the Site (not all) areas of open views, particularly from the rear aspects of the receptor looking over the Site. He confirmed that the ES concluded a moderate adverse and therefore significant effect, and an impact of less than substantial harm in regard to the NPS, but that the ES did not seek to explore a gradient within the less than substantial harm bracket as this would muddy the waters of the ES chapter.</p> <p>Mr. Clark advised that the two assessment types are not compatible as a judgement of less than substantial harm can be made for concluded EIA effects ranging across minor to significant adverse, and seeking to provide conclusions for the NPS policy test does not align neatly with the EIA methodology and process.</p> <p>The ExA advised that he understood the points being made by Mr. Clark and the clarification he was seeking was for his benefit in making a recommendation to the SoS in a policy context.</p> <p>Mr. Marsh then offered that the Applicant could seek to support this more effectively in writing as an Action for D5, which was agreed.</p> <p>The ExA then turned discussion back to Wythemore Sough and the ES finding of a 'moderate adverse' effect both before and after mitigation, and the extent to which it was explored what would be required to reduce the effect through mitigation.</p>

No.	Agenda Item / Applicant's Written Summary
	<p>Mr. Clark explained that because the effect arises from an effect on setting, and because of the position of the receptor in relation to the Site, even with mitigation there is a change to the characteristics of the open and rural setting as it relates to the receptor, which was the reason for the conclusion.</p> <p>The ExA asked if any more mitigation was possible, acknowledging this could mean changes to the Proposed Development and Mr. Clark advised that a full response to this matter would be provided in writing.</p> <p>When asked by the ExA, if Cumberland Council had any points it wished to raise, Mr. Hayhurst, for the Council confirmed that the Council had nothing further to add.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>AP28:</b> <u>Explain in writing the gradient of harm on 'less than substantial harm' for the three key assets; the Stone Circle and Cairn, Wythemoor Sough, and English Lake District WHS</u></li> <li>• <b>AP29:</b> <u>Explain how mitigation has been considered within the assessment for the Stone Circle and Cairn and Wythemoor Sough and consider the extent to which effects could be further reduced.</u></li> <li>• See the WS to AP28 and AP29 in the ARAP-ISH [D5.10]</li> </ul>
5(e)	<p><b>Hearing Agenda Item – <i>Any other matters relating to cultural heritage/historic environment.</i></b></p> <p><b>Applicant Written Summary:</b> N/A – see Agenda Item 5(a) for a brief oral submission regarding an update on the Historic England (HE) dSoCG [AS-012] which transitioned into the oral summaries made in respect of that item.</p>

## 7 Landscape and Visual

**Table 7.1: Applicant Written Summary Oral Submissions - ISH Agenda Item 6 (Landscape & Visual)**

No.	Agenda Item / Applicant's Written Summary
6(a)	<p><b>Hearing Agenda Item</b> – <i>Applicant and Cumberland Council to set out exactly where there are differences between the parties in terms of the LVIA methodology.</i></p> <p><b>Applicant Written Summary:</b></p> <p>Mr. Marsh introduced Mr. Andrew Chester (Mr. Chester) as the Applicant's landscape and visual expert.</p> <p>Mr. Chester set out that the Applicant and Council have held detailed discussions in relation to ES Chapter 7 – Landscape and Visual Impact [REP2-032] and its associated appendices. This occurred prior to the application submission and following the Council's Landscape and Visual Impact Assessment - Review (the 'LVIA Review') [AS-005] undertaken by Stuart Galpin on the Council's behalf.</p> <p>Following the Council's Local Impact Report (LIR) [REP2-058] a meeting was held with the Council to advance matters in the dSoCG. Following this, and other engagement, all matters in relation to the LVIA are now agreed in the dSoCG [REP04-15].</p> <p>Mr. Chester advised that on the topic of differences of methodology, this was highlighted as not relating to any disagreement as to the soundness of the LVIA methodology (ES Appx. 7.1 [REP2-034]) but to reasonable differences in professional judgment, such as in the selection of View Locations. He confirmed that the dSoCG acknowledges areas where the Applicant and Council have different opinions, while also confirming that these arise out of differences of professional judgement that do not fundamentally alter the conclusions of the LVIA or the proposals for mitigation arising from it.</p> <p>Mr. Chester noted that there are also differences that relate to levels of detail, which are also acknowledged alongside the agreement that the details will be provided as part of the DCO Requirement 6 Landscape Ecology Plan (LEP) and the DCO Requirement 7 LEMP, with the detailed planting proposals to reflect the Council's feedback at the application stage based on the detailed design. Mr. Chester confirmed that these are also confirmed within the dSoCG.</p>

No.	Agenda Item / Applicant's Written Summary
	<p>Mr. Chester advised that it was the Applicant's understanding that no further work is required to address any of the previous comments which have been raised in the LVIA Review or LIR as all matters are discussed and now agreed.</p> <p>Mr. Stuart Galpin (Mr. Galpin) on behalf of the Council affirmed the position that the differences were one of professional judgement (reflecting the subjective nature of the discipline) but that the conclusions were not affected by these differences.</p> <p>Following some discussion between the ExA and Mr. Galpin regarding view locations and potential locations relevant to a forthcoming Accompanied Site Visit (ASI) Mr. Chester highlighted that the selection of view locations was undertaken and agreed with the Council and that the design has continued to evolve and, with reference to VL3c, this was selected prior to the removal of infrastructure from the elevated part of Area C, but it still remains a useful aid to inform the visual assessment.</p> <p>A subsequent question was raised by the ExA regarding the complexity of the landscape because of the varying topography which was highlighted through a recent unaccompanied site inspection. Mr. Chester confirmed broad agreement, acknowledging that the complexity results in visibility of the Site varying which is identified by the Zone of Theoretical Visibility (ZTV) analysis.</p> <p>A final discussion was held about the landscape mitigation proposals along boundaries including the Branthwaite Edge Road, Branthwaite Road, and Gilgarran Road. Mr. Chester provided insight into the measures proposed for each location and the rationale for each regarding its appropriateness to context and to provide the desired levels of mitigation, as well as how the proposals sought to balance screening objectives with the provision of structural landscaping in-keeping with the landscape character and for green infrastructure linkages.</p> <p>Mr. Galpin, on behalf of the Council, broadly agreed with the points advanced by Mr. Chester.</p> <p>Discussion turned to the visualisation provided by the Landscape Strategy Plan (LSP) [<a href="#">REP2-046</a>] and Mr. Chester confirmed that it is a strategy based on parameters and worst case assessment. He said it would be the foundation of the future Requirement 6 LEP based on the detailed design which could provide further opportunities to add features to help break up views, as Work No. 1 would likely be able to accommodate more than the grassland as presently assumed. He also noted that the parameters allow landscaping in Work No. 3 which overlaps with Work No 1.</p> <p>Mr. Chester confirmed that the fully detailed planting plans will form part of the discharge of DCO Requirement 6, the design of which could take on board the Council's recommendations as part of the detailed design.</p>

No.	Agenda Item / Applicant's Written Summary
	When asked by the ExA if it had any further points to raise, the Council confirmed it had nothing further to add.
6(b)	<p><b>Hearing Agenda Item – <i>The effects of the proposed development, in visual terms, on residential receptors in terms of outlook.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>The Applicant did not respond to this Agenda Item which was addressed to the Council, who affirmed their position as per the dSoCG <a href="#">[REP04-15]</a>.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>The Applicant has previously addressed this topic in the AREQ1 <a href="#">[REP2-010]</a> in response to Q6.0.3. The Applicant consider that the Council's response to Agenda Item 6(d) reflects their position in the Council's Response to ExQ2 <a href="#">[REP4-030]</a> in response to Q2.3.3 which advises of agreement on landscape and visual matters in the dSoCG.</li> </ul>
6(c)	<p><b>Hearing Agenda Item – <i>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.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>Mr. Chester confirmed that this relates to a clerical error regarding the magnitude of change that is reported in 7.5.24 of ES Chapter 7 – Landscape and Visual Impact <a href="#">[REP2-032]</a>. Mr. Chester advised that the associated text/narrative is correct and aligns with the judgement on the level of significance reported in the ES Appendix 7.2 - Schedule of Landscape Effects <a href="#">[APP-120]</a> for the Year-1 scenario.</p> <p>However, Mr. Chester had identified a clerical error regarding the magnitude reported in Appendix 7.2 where this is incorrectly identified as a moderate adverse magnitude. The narrative set out including the small-scale changes align to the judgments for a slight adverse effect. He advised that correcting the typo for magnitude in Appendix 7.2 would rectify the issue identified by the ExA, and that changing it to a slight effect which aligns with the narrative does not affect the overall significance of effect which remains as reported.</p>

No.	Agenda Item / Applicant's Written Summary
	<p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <u>AP30: Submit a revised version of the Schedule of Landscape Effects, with a correction to the description of magnitude for LCT 9a.</u></li> <li>• See the WS to AP30 in the ARAP-ISH [D5.10]</li> </ul>
6(d)-1	<p><b>Hearing Agenda Item – <i>Any other landscape and visual matters.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>The Applicant was asked by the ExA whether the proposed permissive paths include provision for horse riders or are footpaths (pedestrian) only.</p> <p>On behalf of the Applicant Mr. Legg confirmed that there is no existing equestrian access within the Site and the paths are proposed as permissive footpaths and not bridleways.</p>
6(d)-2	<p><b>Hearing Agenda Item – <i>Any other landscape and visual matters.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>In response to the ExA asking whether there are any other matters for this topic Ms. Susan Carling (Ms. Carling) raised a matter as an adjoining property owner and resident of [REDACTED] regarding the distances from her property to the Proposed Development infrastructure and landscaping.</p> <p>In response to the matters raised, Mr. Marsh advised that while the Applicant considered this information had been made available in previous Applicant responses, the Applicant would take it as an action point to correspond further with Ms. Carling on this topic.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <u>AP31: Provide Ms Carling with details of the distances between their property and the solar PV infrastructure (Work No. 1) and the landscaping in advance of D5. Provide a WS at D5 with the details provided.</u></li> <li>• See the WS to AP31 in the ARAP-ISH [D5.10].</li> </ul>

No.	Agenda Item / Applicant's Written Summary
6(d)-3	<p><b>Hearing Agenda Item – <i>Any other landscape and visual matters.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>Ms. Carling inquired into the removal of a Battery Energy Storage System (BESS) facility following the PEIR and what this meant for design optioneering, which the ExA then put to the Applicant.</p> <p>Mr. Marsh responded by first deferring to Mr. Chester who referred the ExA to the AREQ1 [REP2-010] in response to Q6.0.4 for further information on the post-PEIR design response in relation to landscape and visual matters.</p> <p>Mr. Marsh then accepted this topic as a further action.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <u>AP32: Provide insight into how the removal of the BESS following PEIR may have enabled other design considerations, particularly in relation to nearby residential properties.</u></li> <li>• See the WS to AP32 in the ARAP-ISH [D5.10].</li> </ul>



## 8 Biodiversity

**Table 8.1: Applicant Written Summary Oral Submissions - ISH Agenda Item 7 (Biodiversity)**

No.	Agenda Item / Applicant's Written Summary
7(a)	<p><b>Hearing Agenda Item –</b> <i>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.</i></p> <p><b>Applicant Written Summary:</b></p> <p>Mr. Legg asked that the relevant figure be shared on screen for reference (AREQ1 Appendix D [REP2-011] - Q1.0.9 Parameter Plan and Dean Moor County Wildlife Site)</p> <p>Mr. Legg advised that the key reason why the CWS needs to be included is the Applicant's need for flexibility within the parameters to account for future survey outcomes while ensuring that the Proposed Development can include enough solar panels to deliver the required capacity.</p> <p>Mr. Legg explained that the CWS is designated for Purple Moor Grass and Rush Pasture Communities but the areas of the CWS which overlap with Work No. 1 have been surveyed and do not include these qualifying features and parts of the CWS are currently subject to intensive grazing and diminishing ecological quality. He set out that, it is the Applicant's position, the Proposed Development will enhance the CWS's ecological value, including also in the areas where Work No. 1 overlaps with the CWS, with development in that area also not harming the interests of the CWS as the area does not have qualifying features.</p> <p>The ExA asked why it must follow that benefits to the CWS can only be provided if Work No. 1 overlaps with part of the CWS, to which Mr. Legg replied that without the Proposed Development there would be only continued intensive grazing and further ecological diminishment.</p> <p>The ExA clarified that he would like the Applicant to explain its position on an interim scenario other than either the overlap or a do-nothing scenario, and Mr. Marsh confirmed that consideration of an intermediate position would be provided in writing.</p>

No.	Agenda Item / Applicant's Written Summary
	<p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>• <b>AP33:</b> Respond in writing to set out the implications for the Proposed Development if the County Wildlife Site (CWS) was completely avoided (i.e. a scenario where the Proposed Development is brought forwards, but the CWS is avoided).</li> <li>• See the WS to AP33 in the ARAP-ISH [D5.10]</li> </ul>
7(b)	<p><b>Hearing Agenda Item – <i>Applicant to explain the measures included to rectify or address landscaping/planting failure and how such measures are to be secured.</i></b></p> <p><b>Applicant Written Summary:</b></p> <p>Mr. Legg confirmed that the Applicant has a responsibility to deliver the Requirement 6 Landscape Ecology Plan (LEP) and corresponding Requirement 7 Landscape Ecology Management Plan (LEMP) which is to be in accordance with the Outline Landscape Ecology Management Plan (OLEMP) [REP2-045] which includes responsibility for replacing and reinstating existing ecology and landscape features and for implementing new landscape and ecology elements across the full operational lifetime of the Proposed Development. Mr. Legg confirmed that the Applicant would submit an updated OLEMP at D5 (D5.16).</p> <p>Mr. Legg confirmed that the OLEMP details the requirements for monitoring, replacing and reinstating existing ecology and landscape features and for implementing new landscape and ecology elements for the full operational lifetime of the Proposed Development. The OLEMP also sets out specific details on the approach to planting defects during the initial 5-year establishment period, along with a monitoring schedule for this period. He advised that OLEMP commitments also include continual review and update of the LEMP as required, and that the approved LEMP will provide for addressing any failures of individual features or in relation to habitat targets.</p> <p>The ExA asked Mr. Legg to clarify his comments on the requirements of the 5-year establishment period and requirements for the lifetime of the Proposed Development.</p> <p>Mr. Legg explained that the OLEMP itself is an outline for the first 5-year establishment period but establishes that it must be updated after this and approved by the Council and then updated as necessary moving forward so that there is always a LEMP in place as the planting matures and ecological conditions evolve. Mr. Legg then explained the LEMP will be in place to deal with individual planting failures due to things like pests or disease, or failures to reach target conditions for habitat establishment which could mean needing to reconsider options based on monitoring</p>

No.	Agenda Item / Applicant's Written Summary
	<p>The ExA asked a practical question as an example; if tree planting along Branthwaite Edge Road fail at year 10 would this need replanting?</p> <p>Mr. Legg confirmed that the LEMP would be in place across the operational lifetime and would require such replacement in the next available planting season after the failure, and confirmed that the Applicant's approach to a whole-life LEMP is affirmed in the dSoCG from the Council [REP04-15], the Environment Agency [REP4-009], Cumbria Wildlife Trust [REP4-007], and Natural England [REP4-011].</p> <p>When asked by the ExA if it had any points to raise, the Council confirmed it had nothing further to add.</p>