



# Dean Moor Solar Farm

## Applicant Written Summary of Oral Submissions (CAH)

on behalf of **FVS Dean Moor Limited**

---

25 November 2025  
Prepared by: Stantec UK Ltd  
PINS Ref: EN010155  
Document Ref: D5.8  
Deadline 5  
Revision: 1



**Firma Energy**

 **ib vogt**

**DEAN MOOR SOLAR FARM**  
**APPLICANT WRITTEN SUMMARIES OF ORAL SUBMISSIONS**  
**MADE AT CAH**  
**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 CAH</b>
<b>Status</b>	Final
<b>Issue/ Rev:</b>	1
<b>Date:</b>	25 November 2025
<b>Deadline:</b>	5
<b>Document Reference:</b>	D5.8

## 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>Compulsory Acquisition Hearing (CAH) .....</b>	<b>3</b>

# 1 Introduction

## 1.1 Overview

- 1.1.1 This is the Applicant Written Summary of Oral Submissions made at Compulsory Acquisition Hearing (CAH) document (AWSOS-CAH) [D5.8] and has been produced for FVS Dean Moor Limited (the Applicant) to support the DCO application for the Dean Moor Solar Farm ('the Proposed Development') which is located between the villages of Gilgarran and Branthwaite in West Cumbria (the 'Site') and 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 CAH which occurred virtually via Microsoft Teams on 13 November 2025.
- 1.1.3 This document does not purport to summarise 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 submission
- 1.1.4 The structure follows the order of the items listed in the Agenda for the Compulsory Acquisition Hearing (CAH) [EV7-001] (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 CAH. 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 Written Submissions to the CAH Action Points (AWS-CAH) [D5.11]

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

- 1.2.1 Table 2.1 lists the agenda item from the Agenda [EV7-001] followed by the Applicant's written summary to oral submissions at the CAH.

## 2 Compulsory Acquisition Hearing (CAH)

Table 2.1: Applicant written summaries of oral submissions made at CAH

No.	Applicant written summaries of oral submissions made at CAH
N/A	<p><b>Hearing Agenda Item:</b> <i>Outline where agreement has been reached with land owners /those with land interests and outline any ongoing negotiations.</i></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA set out that the main documents for this hearing are likely to be the draft Development Consent Order (dDCO) [D5.3], Land Plans [AS-007] Book of Reference (BoR) [APP-016], and the Land Rights and Negotiations Tracker (LRNT) [REP4-003].</p> <p>The ExA noted that for D5, alongside the written summaries, updated versions of the following are likely to be required: the dDCO, Explanatory Memorandum (EM) [D5.4], BoR, Funding Statement [APP-015], Statement of Reasons (SoR) [APP-014], and the LRNT.</p> <p>Mr. Rahil Haq (Mr. Haq) on behalf of the Applicant advised that where necessary the documents would be updated but the Applicant is not expecting to require updates to the BoR, Funding Statement, or SoR.</p> <p>The ExA advised Mr. Haq that the potential for an update to the Funding Statement arises out of the ISH Agenda Item 2(a).</p> <p><b>Post Hearing Notes:</b></p> <p>The Applicant can confirm that the response to ISH Agenda Item 2(1) in relation to the Funding Statement is set out in AP23 of the Applicant Response to ISH Action Points (ARAP-ISH) [D5.10]</p>

No.	Applicant written summaries of oral submissions made at CAH
3(a)-1	<p><b>Hearing Agenda Item:</b> <i>Outline where agreement has been reached with land owners / those with land interests and outline any ongoing negotiations.</i></p> <p><b>Applicant Written Summary:</b></p> <p>Mr Haq advised that updates have previously been provided by the Applicant, see Response to CAH Agenda Items – Annex B (ARCAH-B) [REP3-016] and the Land Rights and Negotiations Tracker (LRNT) [REP4-003] and so the focus would be updating on matters since these responses.</p> <p>Mr Haq confirmed that with respect to the operators of the Potato Pot Wind Farm (the Wind Farm) Heads of Terms (HoT) have been agreed between the parties and all matters are agreed subject to formalities. Mr. Haq advised that the Applicant anticipates that Vantage RE Limited (Vantage RE) (the owner of the Wind Farm) will be providing an update soon to supersede their previous Written Representation [REP2-061] and confirm no objection to the Proposed Development.</p> <p>Mr. Haq advised that the Council's interests relate to the public highway within the Order land which is subject to permanent rights and temporary possession (TP) for a cable crossing across the Gilgarran Road. Mr. Haq confirmed that the Council had been consulted and had confirmed they were taking legal advice on the dDCO wording as to the scope of powers as reflecting in the Applicant's draft Statement of Common Ground (dSoCG) with the Council [REP4-015] at ref: CC.LM.1.</p> <p>Mr. Haq also provided an update on the status of matters with United Utilities (UU) as a sewage undertaker which owns apparatus in the public highway which is subject to Temporary Possession (TP). Mr. Haq confirmed that the Applicant heard from UU on 12 November 2025 with feedback on protective provisions (PP). Mr Haq confirmed that UU had provided minor comments which were being reviewed, with an update to be provided at D5.</p> <p>Turning to 12 Property FE Limited (Ltd) (12FE) Mr. Haq advised that discussions had been ongoing, and the Applicant understands that they are unable to provide details as to the extent of their interests and that, while they have claimed an interest in the complete sub-surface, they have not been able to provide evidence of this. Nevertheless, Mr Haq confirmed that, in accordance with relevant guidance on compulsory acquisition (Planning Act 2008: procedures for the compulsory acquisition of land, September 2013, MHCLG), the Applicant has sought to resolve matters by negotiation and has made an open offer to 12FE despite the dispute around the extent of their interest, but no open response has been received.</p>

No.	Applicant written summaries of oral submissions made at CAH
	<p>Mr. Haq confirmed that it is the Applicant's view that the dispute between the parties is one of compensation, rather than 12FE having an in-principle objection to the scope of compulsory powers sought.</p> <p>The ExA set out that 12FE would be able to comment on this later, and that for the outstanding matter with the Council he would like the Applicant to ensure this is resolved during the Examination and that the Applicant should redouble efforts to have things signed and finalised.</p> <p>Mr. Haq responded to confirm that the outstanding matter with the Council was not related to an outstanding legal agreement and that the Applicant expects this issue to be fully resolved through the dSoCG.</p> <p>Mr. Haq confirmed that the Applicant does not consider that there are any material disagreements with parties other than with 12FE (noting that their issue is one of compensation), and that there are not expected to be any blockers or late requests for agreements.</p> <p>In response to the ExA's question as to whether this could all be achieved by D5 Mr. Haq confirmed that while it is not possible to be certain of everything being formalised for the 25<sup>th</sup> November deadline, the Applicant is in a very good position and will be working toward this objective, with an update to be provided at D5 in the next version of the LRTN..</p> <p>The ExA then asked about which plots in the BoR <a href="#">[AP-016]</a>, include landowners which are unknown, this was with reference to his first written questions (EXQ1) <a href="#">[PD-007]</a> and the Applicant Response to EXQ1 (AREQ-1) <a href="#">[REP2-010]</a> in relation to question Q12.01.1, noting this had also come up in the ISH and the Applicant could come back on this later in the CAH and/or in writing.</p> <p>Mr. Haq confirmed that it was his understanding that this is only in relation to parts of the highway, but the Applicant would seek to provide an update as to the nature of the unknown interests if possible but otherwise an update would be provided in writing.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>The Applicant notes the following Action Points which are addressed in Applicant Response to CAH Action Points (ARAP-CAH) <a href="#">[D5.11]</a>: <ul style="list-style-type: none"> <li><u><b>AP1:</b> Applicant to provide update on UU protective provisions at D5 and aim to reach an agreement.</u></li> <li><u><b>AP2:</b> Applicant to provide a list of all unknown owner plots.</u></li> <li><u><b>AP3:</b> Applicant to provide an update in relation to 12FE negotiations</u></li> </ul> </li> </ul>



No.	Applicant written summaries of oral submissions made at CAH
	<ul style="list-style-type: none"> <li>See ARAP-ISH [D5.10] for AP25 and the Cumberland Council dSoCG [D5.18] (CC.LM.1) on the dDCO street works and associated articles.</li> </ul>
3(a)-2	<p><b>Hearing Agenda Item:</b> <i>Outline details of the proposed works within plots 1-26, 1-33, 1-35 and 1-38.</i></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA asked the Applicant to outline the works proposed in plots 1-26, 1-33, 1-35 and 1-38 which are those with claimed 12FE interests in relation to the Proposed Development's parameters and where this information can be found across the application.</p> <p>Mr. Haq described the locations of the plots in question in relation to the Work Plans [APP-007], noting that the works that would apply would primarily be Work No. 6 – Green Infrastructure alongside Work No. 1 – Solar PV Infrastructure and Work No. 3 which provides for other associated infrastructure such as cables and fencing.</p> <p>Mr. Haq noted that plots 1-26, 1-33, and 1-35 are associated with only Work No. 6 while plot 1-38 includes Work Nos. 1, 3 and 6.</p> <p>Mr. Haq advised that to understand potential impacts on plots the Work Plans should be reviewed alongside the Design Parameters Document (DPD) [APP-028] which set out parameters relating to design, scale, and location of the works which would introduce new generating station infrastructure.</p> <p>Mr. Haq set out some of the relevant Work Nos. 1 and 3 DPD parameters which could be included in the plots under discussion, noting this could be for Work No. 3 fence posts or access tracks, but with the main work for consideration being the Work No. 1 solar PV arrays as the DPD identifies that the array mounting framework posts could extend into the ground up to 4m. Mr. Haq advised that, as this is the deepest element listed in the DPD, it is the maximum depth of sub-surface intrusion which could occur in relation to potential for impact on 12FE interests.</p> <p>Mr. Haq acknowledged that for the majority of the plots affected only by Work No. 6, the DPD does not provide relevant parameters for Work No. 6 – Green Infrastructure which could also have sub-surface impacts, which would be delivered by a Landscape Ecology Management Plan (LEMP). Mr Haq explained that the LEMP would be in accordance with the Outline Landscape Ecology Management Plan (OLEMP) [APP-145]/[D5.16] based on a Landscape Ecology Plan (LEP) that would be in accordance with the Landscape Strategy Plan (LSP) [REP2-046].</p>

No.	Applicant written summaries of oral submissions made at CAH
	<p>The ExA inquired into the extent to which the OLEMP provides details as to the potential for sub-surface effects as it relates to the 12FE interests in these plots and to this Mr. Haq confirmed that the Applicant would provide a written response.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>The Applicant notes the following Action Point which is addressed in ARAP-CAH [D5.11]: <b>AP4: Applicant to confirm full extent of works within 12FE plots by reference to the LSP and OLEMP.</b></li> </ul>
3(a)-3	<p><b>Hearing Agenda Item:</b> <i>To summarise how the application demonstrates that all reasonable alternatives to CA (including modifications to the scheme) have been explored.</i></p> <p><b>Applicant Written Summary:</b></p> <p>Mr Haq confirmed that the Applicant had explored all reasonable alternatives to compulsory acquisition. Mr Haq referred to the SoR [APP-014] which included the consideration of alternative locations (section 10.2) and alternatives to Compulsory Acquisition (section 10.3). Mr Haq also directed the ExA to Chapter 4 – Alternatives and Design Evolution of the ES [APP-035] which is cross referred to in the SoR.</p> <p>Mr Haq referred to the example of the Wind Farm where he explained that the Applicant is not seeking interests, rights or possession over plots 1-23 &amp; 1-24 (site of the Wind Farm substation) or plots 1-39, 1-41 and 1-44 (sites of the wind turbines). This is the land shaded yellow on the Land Plans [AS-007]. Compulsory and temporary acquisition powers do not apply to the yellow land.</p> <p>Mr Haq confirmed that the Applicant is only seeking to acquire new rights over land which forms part of the Wind Farm’s access track to ensure that the Applicant also has a right of access over the access track (Plots 1-09, 1-17, 1-21, 1-31, 1-40 and 1-43).</p> <p>The ExA asked Mr Haq if the Applicant could consider whether reasonable alternatives had been considered in relation to land where 12FE has an interest.</p> <p>Mr Haq confirmed that 12FE claims an interest over all land directly below the surface and that, while the Applicant had discussed a no dig scenario with 12FE, advising that this would be a matter for detailed design. Mr Haq explained that, owing to the extent of interest claimed by 12FE, It was the Applicant;s understanding that even driving a heavy vehicle over the land could break open the surface and so a no-dig scenario would not be a reasonable alternative to the compulsory acquisition of their interests.</p>

No.	Applicant written summaries of oral submissions made at CAH
	<p>Mr Haq confirmed that the Applicant would set out in writing its approach to reasonable alternatives.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>The Applicant notes the following Action Point which is addressed in ARAP-CAH [D5.11]: <b>AP5</b> - <u>Applicant to set out the reasonable alternatives that have been explored to undertaking works within 12FE plots</u></li> <li>The Applicant can advise that even if it is not the case that merely breaking the surface would impact on 12FE interests, while some elements can always be provided with no-dig alternatives (e.g. on-ground cable trays), is not an option that can be reasonably assumed for Work No. 1 (solar PV arrays) without ground investigation geotechnical survey. Nor can it be certain until detailed design that no-dig solar array infrastructure would not inhibit mineral extraction.</li> </ul>
3(a)-4	<p><b>Hearing Agenda Item:</b> <i>Where CA and TP are sought, how they meet the tests of the PA2008.</i></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA asked Mr Haq to explain where compulsory acquisition and temporary possession powers are being sought and how the Applicant has met the tests of the Planning Act 2008 (PA 2008).</p> <p>Mr Haq briefly summarised the tests with reference to the Applicant's previous response on this topic in ARCAH-B [REP3-016] and confirmed that detailed evidence of meeting these tests is also set out in the SoR [APP-014] at section 10.</p> <p>In response to a specific question from the ExA as to why such powers are needed where agreement with landowners has been reached, Mr Haq explained that agreements may fall away and so the inclusion of powers of compulsory acquisition is required to ensure delivery of a consented scheme.</p> <p>Mr Haq made the point that the only way an applicant can set aside any unknown third-party rights or interests is through compulsory acquisition powers and that it also simplifies the land situation and can prevent impediments arising that could prevent implementation of the Proposed Development in the future.</p> <p>Mr Haq concluded by stating that the Applicant intended to secure the necessary rights through agreement and would only use any powers of compulsory acquisition as a means of last resort if it were necessary to do so.</p>

No.	Applicant written summaries of oral submissions made at CAH
3(a)-5	<p><b>Hearing Agenda Item:</b> <i>To explain the time period of relevant land for which TP is sought.</i></p> <p><b>Applicant Written Summary:</b></p> <p>The ExA asked the Applicant to clarify how temporary possession (TP) is intended to operate and to explain the relevant article, particularly questioning whether this would have to occur within a fixed period and if it could occur more than once.</p> <p>Mr. Haq advised that the ARCAH-B [REP3-016] in response to Item A.4 confirms that the time limit to exercise TP powers is five years and is set out in Article 24 of the dDCO. He confirmed that dDCO Article 33 confirms the Applicant may take TP of the land set out in Schedule 11 for the purposes set out in that Schedule, and the article includes the ability for the Applicant to take TP of the same plot on land on multiple occasions.</p> <p>Mr. Haq advised that this is intended to minimise the impact of the Proposed Development on landowners. This means that land which is required for a short period can be taken for its required purpose and then returned to the landowner until such time as the land is required again by the Applicant. Mr. Haq set out that this is a proportionate approach, avoiding the need to take TP when land is no longer required by the Applicant (but may still be required in the future).</p> <p>Mr. Haq confirmed that the time limit for the exercise of powers set out in Article 24 applies. TP powers can only be exercised within the 5-year period allowed by that article.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>The ExA will also note article 24(2) which covers the eventuality where the Applicant enters land under TP powers prior to the expiry of the time limit to exercise powers and needs to stay on that land. In this case, the Applicant is permitted to stay in possession of the land until one year after the date of final commissioning of the relevant work (see article 33(4)).</li> </ul>

No.	Applicant written summaries of oral submissions made at CAH
3(a)-6	<p><b>Hearing Agenda Item:</b> <i>To explain how the CA/TP powers sought in the draft Development Consent Order (dDCO) are compatible with human rights tests.</i></p> <p><b>Applicant Written Summary:</b></p> <p>Mr. Haq summarised the written response provided in ARCAH-B [REP3-016] in response to Item A.5 and in section 14 of the SoR [APP-014].</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>The Applicant notes the following Action Point which is addressed in ARAP-CAH [D5.11]: <b>AP11:</b> Applicant to provide a response in writing in relation to Articles 33-34 (temporary possession) in relation to ISH Agenda Item 1(m).</li> </ul>
3(a)-7	<p><b>Hearing Agenda Item:</b> <i>Outline the Protective Provisions including any further negotiations.</i></p> <p><b>Applicant Written Summary:</b></p> <p>Mr. Haq advised that a response in the ARCAH-B [REP3-016] address this topic and then brought onto screen, article 49 and Schedule 14 – Protective Provisions (PP) of the dDCO. He advised that this includes three parts which cover the PP for various undertakers including Part 1 water, gas, electricity and sewage undertakers, Part 2 electronic communications operators, and Part 3 drainage authorities.</p> <p>Mr. Haq confirmed that the only PP still actively under discussion are those for UU as discussed previously (see Item 3(a).1 above). Mr. Haq advised that the Applicant had sought to engage with UU since before the statutory consultation. It was explained that UU had originally requested PP in their D1 Relevant Representation (RR) [REP1-004] and had provided an example of their preferred PP taken from the HyNet CO2 Pipeline DCO, which was a more complicated scheme and impacted UU far more than the Proposed Development does. Mr Haq explained that, in response, the Applicant had asked UU to set out any specific concerns with the standard PP as per Schedule 14 of the dDCO.</p> <p>Mr Haq confirmed that the Applicant had only just (the day before the hearing) received a response from UU. The Applicant was confident the standard PPs at Schedule 14 adequately protect UU but is considering whether any minor amendments may be needed.</p> <p>Mr. Haq confirmed that no other party has requested or queried the protective provisions in Schedule 14 to the draft Order, and that there are no other outstanding matters.</p>

No.	Applicant written summaries of oral submissions made at CAH
	<p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>The Applicant notes the following Action Point which is addressed in ARAP-CAH [D5.11]: <b>AP1: Applicant to provide update on UU protective provisions at D5 and aim to reach an agreement.</b></li> </ul>
3(b)	<p><b>Hearing Agenda Item:</b> <i>Affected Persons (APs) to set out any outstanding matters of concern, including any resolution/negotiations sought to resolve concerns.</i></p> <p><b>Applicant Written Summary:</b></p> <p>Oral submissions were made by Mr. Tom Barton (Mr. Barton) on behalf of 12FE. Mr Haq confirmed that the Applicant would provide a detailed written response relating to the pre-submission surveys undertaken on the plots where 12FE may have an interest.</p> <p>Mr. Haq also advised that there remains a fundamental disagreement between the parties owing to the lack of clarity on the interest claimed by 12FE. The Applicant's understanding is that 2FE is claiming an interest to all sub-surface interests (which has been assumed as the worst case absent evidence to the contrary). However, there is uncertainty as to whether this is intended to mean the whole of the sub-surface or if it is a claim to only all sub-soil beneath the topsoil, or perhaps further down given the history of the land as a former open cast coal mine.</p> <p>During his submission, Mr Barton confirmed to the ExA that his client's interest only arises when there are relevant mines and minerals present at the Site. Mr Haq explained to the ExA that this was the first time the Applicant had had confirmation that 12FE did not claim ownership to all the land below the surface, as the Applicant's understanding has always been that 12FE was claiming interests to everything beneath the surface.</p> <p>Mr Haq pointed to ES Chapter 10 – Ground Conditions [APP-041] and its associated appendices such as the Coal Mining Hazard Assessment (CMHA) [APP-171] which confirms the mine restoration scheme required backfill up to 75m deep and is likely to have been comprised primarily of overburden and mine arisings supplemented by imported infill soils closer to the surface. As such, the Applicant was unsure as to whether there would be any minerals of value in 12FE's interest.</p> <p>In response to the ExA's query as to the extent of the subsoil interest Mr. Barton advised that 12FE has the rights to all mines and minerals and that details beyond this as to how the Proposed Development may affect such interest are not available as the Applicant has not given any indication of depths and impacts.</p>

No.	Applicant written summaries of oral submissions made at CAH
	<p>Mr. Haq responded that the Applicant has provided details as to the maximum depths that could be affected as per documents such as the DPD [<a href="#">APP-028</a>]. Mr Haq referred to Table 2.1 which confirms that, for the mounting structures (which support the solar panels), the maximum depth of piles will be 4 metres which is the deepest depth of any of the proposed works. Mr Haq affirmed the point that this depth is effectively the worst-case impact on the subsoil.</p> <p>Mr. Haq advised that mines and minerals have a legal definition and are dealt with via the Minerals Code (Schedule 2 of the Acquisition of Land Act 1981). No details of the specific mines and minerals held by 12FE have been provided to the Applicant, other than a copy of the title from HM Land Registry which confirms that coal is excluded from the title. Mr. Haq set out that the Applicant considers there to be a very low likelihood that mines and minerals belonging to 12FE would be present within the limited depth (4m) encroached upon by the Proposed Development below the surface, particularly as some of this land has been previously backfilled as a result of coal mining.</p> <p>The ExA then turned the discussion to the Minerals Code and Mr. Haq confirmed this was incorporated into the dDCO by article 23.</p> <p>Mr. Haq explained that under the Minerals Code, all mines and minerals are automatically excluded from the scope of compulsory powers, other than those that are required or directly impacted by the works, e.g. extracted/interfered with to place a foundation.</p> <p>Mr Haq confirmed that under the Mineral Code 12FE remains able to extract mines and minerals on notice in accordance with the procedure set out in the Mineral Code. This is because the Mineral Code expressly excludes mines and minerals from any conveyance so if the Applicant exercises any powers of compulsory acquisition, the relevant mines and minerals would not be transferred to the Applicant unless the Applicant directly interfered with those mines and minerals or directly impacted upon them. Mr. Barton also confirmed that this was his understanding of the Mineral Code.</p> <p>Mr. Haq then explained that where there is a proven interference between the works and the party's mine and mineral interest, and the Applicant rejected 12FE's notice to extract their mines and minerals, 12PFE would be entitled to compensation in accordance with the compensation code, and the amount of compensation would be settled by the Upper Tribunal if not agreed between the parties.</p> <p>Mr. Haq concluded by confirming that the Secretary of State (SoS) has endorsed this approach on several other Solar DCOs, including the Oaklands Farm Solar Park Order 2025 (article 31) and East Yorkshire Solar Farm Order 2025 (article 58), and the Stonestreet Green Solar Order 2025 (article 22).</p>

No.	Applicant written summaries of oral submissions made at CAH
	<p>Following further submissions by Mr. Barton and comments from the ExA, Mr. Haq confirmed that, while the Applicant had not been provided with evidence of the nature of 12FE interest, and considers it unlikely that an interest in mines and minerals only could be affected due to the backfill, the Applicant had assumed there is an interest and therefore consulted with 12FE and noted the interest in the BoR [AP-016], Mr Haq confirmed that the Applicant would come back in writing with detail on potential further investigations that may be required as part of the pre-commencement detailed design process.</p> <p>In response to the ExA's comments that the parties should continue to engage, Mr. Haq agreed that efforts would continue, and confirmed that the Applicant had made an open offer to acquire the interest, despite the lack of certainty around it. Mr. Barton on behalf of 12FE replied that the offer had been rejected.</p> <p>Mr Haq reiterated the Applicant's position that the dispute between the parties is now one of compensation and not the principle of the Proposed Development.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>The Applicant notes the following Action Points which are addressed in the ARAP-CAH [D5.11]: <ul style="list-style-type: none"> <li><u>AP6: Applicant to provide details in relation to the surveys that have taken place to date in respect of 12FE plots.</u></li> <li><u>AP7: Applicant to confirm which surveys may need to take place in association with the detailed design, affecting 12FE plots.</u></li> <li><u>AP8: Applicant to confirm the details of the Mineral Code process, including which party would be responsible for undertaking surveys to demonstrate the location of mines and minerals impacted by the scheme.</u></li> </ul> </li> </ul>
3(c)	<p><b>Hearing Agenda Item:</b> <i>Seek clarity on the implications of further negotiations on the dDCO, including timescales.</i></p> <p><b>Applicant Written Summary:</b></p> <p>Mr. Haq confirmed that the Applicant is not expecting any further negotiations to impact the DCO programme.</p>
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>



No.	Applicant written summaries of oral submissions made at CAH
	<p><b>Applicant Written Summary:</b></p> <p>Mr. Haq advised that the articles are not in conflict or inconsistent as they serve different purposes. - He confirmed that article 26 (<i>Private rights over land</i>) involves extinguishing or suspending rights after powers are exercised. Whereas Article 27 (<i>Power to override easements and other rights</i>) involves interference with those rights; it authorises works on land when they conflict with existing rights, but it does not extinguish them.</p> <p>Mr. Haq set out that the key distinction is that Article 26 compliments the compulsory or temporary powers, whereas Article 27 authorises works to take place where the land has not been acquired; rights under Article 27 continue to exist subject to being extinguished under Article 26.</p> <p>Mr. Haq provided an example, referring to article 21 which permits the Applicant to enter land for surveys. He set out how this could put a landowner in breach of existing lease obligations, such as to the Wind Farm operator. Together, these articles allow the Applicant to enter land early under the survey powers in article 21 and interfere with and override any easements via article 27. Then, if the Applicant needed to extinguish those powers, it could by exercising powers in Article 26.</p> <p>Mr. Haq confirmed that article 26 does not override Article 27; Article 26 applies to land where compulsory acquisition powers are sought whereas Article 27 applies to all the Order land.</p> <p>Mr. Haq went on to explain that these articles are heavily precedented and concluded by setting out that the Secretary of State has endorsed this approach on many made solar DCOs which include both articles, including:</p> <ul style="list-style-type: none"> <li>• The Tillbridge Solar Order 2025</li> <li>• The Byers Gill Solar Order 2025</li> <li>• The Oaklands Farm Solar Park Order 2025</li> <li>• The East Yorkshire Solar Farm Order 2025</li> <li>• The Heckington Fen Solar Park Order 2025</li> <li>• The West Burton Solar Project Order 2025</li> <li>• The Cottam Solar Project Order 2024</li> <li>• The Gate Burton Energy Park Order 2024</li> <li>• The Sunnica Energy Farm Order 2024</li> <li>• The Mallard Pass Solar Farm Order 2024</li> </ul>

No.	Applicant written summaries of oral submissions made at CAH
	<ul style="list-style-type: none"> <li>The Longfield Solar Farm Order 2023</li> </ul> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>The Applicant notes the following Action Point which is addressed in ARAP-CAH [D5.11]: <u>AP9: Applicant to provide a response in writing in relation to Articles 26 – 27</u></li> </ul>
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>Mr. Haq explained that the purpose of this article is to allow the Applicant to appropriate and use land above or below streets within the Order land, without having to acquire the street or any right or easement in it. The ExA queried whether those with an interest in the land affected by this article are in the BoR [APP-016].</p> <p>Mr. Haq confirmed that all the public highways land within the Order limits is unregistered land and that there is a presumption that adjacent owners own the subsoil up to the halfway point of the highway (the <i>ad medium</i> presumption). Most, if not all landowners will be unaware and unable to give effect to a transfer, but they are likely noted in the BoR.</p> <p>Mr Haq confirmed that the Applicant has a list of all relevant highway plots in the BoR which the Applicant will provide to the ExA at Deadline 5.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>The Applicant notes the following Action Point which is addressed in ARAP-CAH [D5.11]: <u>AP10: Applicant to provide a response in writing in relation to Article 32</u></li> </ul>

No.	Applicant written summaries of oral submissions made at CAH
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>Mr. Haq explained the relationship between permanent acquisition and temporary possession. He advised that the Applicant may take temporary possession of land prior to permanent acquisition, in order to reduce the amount of land required permanently.</p> <p>In response to a query from the ExA, Mr. Haq confirmed that all affected parties, subject to permanent acquisition, rights, or temporary possession have been made aware of the impact on them. Mr Haq advised that the Applicant notified all affected persons of the proposed application in accordance with statutory consultation requirements under the PA 2008, including consultation under s42 with details of the consultation undertaken set out in the Consultation Report <a href="#">[APP-018]</a>. The Applicant also gave formal notification to landowners through the section 56 letters sent after acceptance of the application which directed landowners to the suite of application documents.</p> <p>The ExA questioned whether as part of the consultation on land interests, the Applicant had specifically consulted on both compulsory acquisition and temporary possession and sought the Applicant's view on whether this made a difference.</p> <p>Mr. Haq confirmed that any party subject to compulsory acquisition would also be subject to temporary possession under the terms of the dDCO. The Applicant's consultation has therefore advised landowners of the worst-case possibility (which is permanent acquisition). Those landowners would still have been aware of temporary possession as the dDCO application documents have been made available to them.</p> <p><b>Post Hearing Notes:</b></p> <ul style="list-style-type: none"> <li>The Applicant notes the following Action Point which is addressed in ARAP-CAH <a href="#">[D5.11]</a>: <b><u>AP11: Applicant to provide a response in writing in relation to Articles 33-34 (temporary possession)</u></b></li> </ul>