



Dean Moor Solar Farm

Applicant Response to CAH Action Points

on behalf of **FVS Dean Moor Limited**

25 November 2025
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DEAN MOOR SOLAR FARM
APPLICANT RESPONSE TO CAH ACTION POINTS
PLANNING INSPECTORATE REFERENCE EN010155
PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED

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1 Introduction

1.1 Overview

- 1.1.1 This is the Applicant Response to the Compulsory Acquisition Hearing (CAH) Action Points (ARAP-CAH) raised at the CAH held by the Examining Authority (ExA) on 13 November 2025.
- 1.1.2 The ARAP-CAH 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').

1.2 Overview and Structure of Response

- 1.2.1 Table 1.1 lists the actions from the CAH. Each section of this document sets out the AP followed by the Applicant's written response. The sections follow the structure of the agenda items of the 'Agenda for CAH (CAH1)' [EV7-001], although it is noted that actions were recorded which did not correspond to any sub-agenda item. Where possible within the CAH, APs were confirmed with the ExA.
- 1.2.2 The Applicant's Written Summary of the CAH (AWSOS-CAH) has been provided at Deadline 5 [D5.8] which summarises the Applicant's oral submissions at the CAH which occurred virtually via Microsoft Teams on 13 November 2025.
- 1.2.3 This ARAP-CAH is supported by the following appendices:
- Appendix A – Unregistered Plots (AP2.1 and AP2.2);
 - Appendix B – Work Plans and Land Plans (AP4.1);
 - Appendix C – Landscape Strategy Plan and Land Plans (AP4.2); and
 - Appendix D – S106.253 Land Interest and Soil Restoration Plans (AP6.1).
- 1.2.4 Table 2.1 lists these actions, followed by the Applicant's written response.

Table 1.1: Compulsory Acquisition Hearing Actions

Item	AP	Action
3(a).1	1	Applicant to provide update on United Utilities protective provisions at D5 and aim to reach an agreement.
	2	Applicant to provide a list of all unknown owner plots.
	3	Applicant to provide an update in relation to 12 Property FE negotiations.
3(a).2	4	Applicant to confirm full extent of works within 12 Property FE plots by reference to Landscape Strategy Plan and Outline Landscape Ecology Management Plan.
3(a).4	5	Applicant to set out the reasonable alternatives that have been explored to undertaking works within 12 Property FE plots.
3(b)	6	Applicant to provide details in relation to the surveys that have taken place to date in respect of 12 Property FE plots.
	7	Applicant to confirm which surveys may need to take place in association with the detailed design, affecting 12 Property FE's plots.
	8	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.
ISH 1(k)	9	Applicant to provide a response in writing in relation to Articles 26 - 27
ISH 1(l)	10	Applicant to provide a response in writing in relation to Article 32
ISH 1(m)	11	Applicant to provide a response in writing in relation to Articles 33-34 (temporary possession)

2 Compulsory Acquisition Hearing (CAH) Actions

Table 2.1: Applicant response to CAH actions

No:	Applicant response to CAH actions
1	<p>Action: <i>Applicant to provide update on United Utilities protective provisions at D5 and aim to reach an agreement</i></p> <p>Applicant Response:</p> <p>The Applicant can confirm that an agreement has been reached on protective provisions with United Utilities. The dDCO [D5.3] has been updated to reflect the agreed form of protective provisions. A corresponding update has been made to the Land and Rights Negotiations Tracker [D5.2]</p>
2	<p>Action: <i>Applicant to provide a list of all unknown owner plots.</i></p> <p>Applicant Response:</p> <p>The Book of Reference [APP-016] provides detail on all land within the Order land, including unregistered land and those plots with an unknown owner. All unregistered plots are presumed to have an unknown owner. The BoR should be read alongside the Land Plans [AS-007] which includes annotations to visually identify all plots for which details are provided in the BoR.</p> <p>Plots with unknown owners are set out at Appendix A Tables A.AP2.1 and B.AP2.2.</p> <p>AP2.1 contains a list of all unregistered highway plots in the Book of Reference (BoR). All unregistered plots are presumed to have an unknown owner. This list is provided so the ExA can better understand which parts of the Order limits comprise unregistered highways.</p> <p>AP2.2 contains an extract from the BoR of other unregistered land (i.e. non-highway land with unknown interests). When reviewing both lists, the Applicant recommends that the ExA consider these against the Land Plans.</p> <p>The Applicant can confirm that unregistered (unknown owner) plots are predominantly the plots associated with the public highway, with unregistered/unknown status typical of highway land. There are 47 plots in the BoR which are for the public highway within the</p>

No:	Applicant response to CAH actions
	<p>Order Limits, all of which are for roads identified in the DCO application as the Branthwaite Road, Branthwaite Edge Road, and Gilgarran Road.</p> <p>The Applicant can confirm that a further 9 unregistered (unknown owner) plots are detailed in the BoR for plots within the Order limits which are not part of the public highway.</p>
3	<p>Action: <i>Applicant to provide an update in relation to 12 Property FE negotiations.</i></p> <p>Applicant Response:</p> <p>The Applicant previously advised during the CAH that it had made an offer to 12FE for its interest (despite concerns held by the Applicant on the quality of the interest). The Applicant considers the key issue between the parties to be compensation and believes that the parties are far too apart in terms of valuation for an agreement to be reached at this stage.</p> <p>12FE have confirmed that they do not hold any details of which mines and minerals they claim ownership to. The Applicant's view is that it is for the party seeking to sell its interest to prove the extent of its interest and justify its valuation. Were 12FE to bring a claim for compensation, they would be expected to justify their valuation as being reasonable at the Upper Tribunal. The Applicant has sent a further letter to 12FE requesting a detailed breakdown and justification for its valuation.</p> <p>The Applicant respectfully recommends that, in reaching its conclusion on whether to grant compulsory powers, the ExA consider the following:</p> <ul style="list-style-type: none"> • The dispute between the parties is one of compensation, a matter to be settled by the Upper Tribunal if an agreement cannot be reached. • The Applicant has made meaningful attempts to engage and negotiate with 12FE and complied with all relevant compulsory acquisition guidance. • There is a compelling case in the public interest for the Proposed Development, and the public benefits derived from compulsory acquisition will outweigh the private loss suffered by 12FE. The Applicant refers the ExA to the Planning Statement [AS-010] which identifies several of the benefits such as: <ul style="list-style-type: none"> ◦ '7.1.3 Key strategic benefits can be summarised as follows:

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	<ul style="list-style-type: none"> ▪ <i>Energy Security – the Proposed Development will reduce the UK’s vulnerability to international energy supply and price shocks by increasing domestic energy production.</i> ▪ <i>Reliability – the Proposed Development will provide a significant and reliable energy output.</i> ▪ <i>Affordability – solar is a low-cost type of energy generation, and will decrease reliance on more expensive forms of energy generation.</i> ○ <i>7.1.4 In addition to these strategic benefits, the Proposed Development will also feature extensive ecological and landscape (green/blue infrastructure) enhancements which will bring about a substantial biodiversity net gain, a net environmental gain, and water quality betterment. The new permissive paths which will be integrated into the green infrastructure proposals will also provide health and wellbeing benefits to local residents.’</i> • The interests belonging to 12FE are located at an unknown depth. In the unlikely scenario where the Applicant interferes with this interest, 12FE will be entitled to compensation. 12FE remain in control of their other interests owing to the Mineral Code. • The Applicant considers it unreasonable to hinder the implementation of a nationally significant infrastructure project and disrupt the significant public benefits of the Proposed Development, for the benefit of a party which is disputing compensation owed for an interest for which it is unable to provide evidence.
4	<p>Action: <i>Applicant to confirm full extent of works within 12 Property FE plots by reference to Landscape Strategy Plan and Outline Landscape Ecology Management Plan.</i></p> <p>Applicant Response:</p> <p>As per the discussions for CAH Agenda Item 3(a) (bullet point 3), plots 1-26, 1-33, 1-35 and 1-38 are those with claimed 12FE interests in the Proposed Development’s Order land (for ease these may be referred to collectively as ‘the 12FE plots’ in this response). All plots are within the northwest of an area described as ‘Area A’ which is the most northern defined section of the Site (see Figure3.1 – Solar Farm Area Plan [APP-046]. The plots are identified on the Land Plans [AS-007] and the plots are described in the Book of Reference (BoR) [APP-016]</p> <p>When the plots are identified in relation to the Work Plans [APP-007], plots 1-26, 1-33, and 1-35 are entirely within Work No. 6 – Green Infrastructure. Plot 1-38 includes Work No. 6 along with an area covered by both Work No. 1 and Work No. 3. To aid the ExA and</p>

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	<p>12FE, a plan is provided at Appendix B AP4.1 and provides an overlay of the parts of the Land Plans which identify the 12FE plots onto a plan which identifies Work Nos. 1, 3, and 6.</p> <p>The contents of the Works and any parameters that have been relied on for the Environmental Statement (ES) assessments are set out in the Design Parameters Document (DPD) [APP-028].</p> <p>The DPD provides details for Work No. 1 – Solar PV Infrastructure which includes the Solar PV Arrays (panels and mounting frameworks) and PCS Units. It also provides details for Work No. 3 including works such as electrical cables, fencing, and internal access tracks, and security measures, along with green infrastructure which includes ‘<i>Landscaping and biodiversity mitigation and enhancement measures including planting.</i>’</p> <p>The DPD does not provide a breakdown of maximum parameters for Work No. 6 – “Green Infrastructure”, or for the “green infrastructure” that may be provided in Work No. 3 which would be relevant to the 12FE plots.</p> <p>“Green infrastructure” as noted in the DPD is a combination of existing (retained) features and proposed new planting as identified on the Landscape Strategy Plan (LSP) [REP2-046] with details of implementation and management outlined in the Outline Landscape and Ecology Plan (OLEMP) [APP-145] [D5.16].</p> <p>The LSP is an indicative strategy, not a detailed planting plan. A detailed Landscape and Ecology Plan (LEP) is required to discharge DCO Requirement 6. The LEP must be substantially in accordance with the principles set out in the LSP but will also reflect any changes to the environmental baseline (e.g. the condition of existing hedgerows) and the Requirement 3 – Design Details which will include a detailed layout plan and elevation/section plans for the various elements to be implemented, with these details to be in accordance with any parameters established by the Work Plans and DPD.</p> <p>The Proposed Development will be constructed in accordance with the LEP and thereafter maintained in accordance with the LEMP (requirement 7). The LEMP must be substantially in accordance with the OLEMP, but can include significantly advanced details as to species, planting schedules, and implementation and maintenance methods to be employed.</p>

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	<p>At this stage, and in advance of the detailed design and fulfilment of DCO Requirements, it is not possible to detail every activity that could occur in association with landscaping implementation and maintenance in the 12FE plots.</p> <p>However, it is noted that the majority of the LSP proposals which overlap with the 12FE plots are for existing woodland and scrub, with an approximate 10m band of existing boundary vegetation incorporated into the Order Limits at the request of the Council during the non-statutory consultation in order to ensure the Applicant can have some control over the retention of existing vegetation relied on for landscape screening.</p> <p>To aid the ExA and 12FE, a plan is provided at Appendix C AP4.2 which is an overlay of the parts of the Land Plans which identify the 12FE plots onto the LSP.</p> <p>The list below sets out the LSP proposals for the 12FE plots based on the details available in the LSP and the BoR.</p> <ul style="list-style-type: none"> • Plot 1-26: This plot is 26.8m² and is described in the BoR as '<i>agricultural land and trees</i>'. The entirety of 1-26 is identified on the LSP as '<i>Existing Woodland/Scrub (Broadleaved)</i>'. • Plot 1-33: This plot is 2,539.07m² and is described in the BoR as '<i>agricultural land and trees</i>'. The majority of 1-33 (approximately 1,897.11m² (74.7% of 1-33)) is identified on the LSP as '<i>Existing Woodland/Scrub (Broadleaved)</i>'. Within this existing vegetated boundary there is an approximate 641.96m² gap (25.3% of 1-33) where new planting is proposed which is described in the LSP as '<i>Broadleaved Woodland</i>'. • Plot 1-35: This plot is 176.69 m² and is described in the BoR as '<i>agricultural land and trees</i>'. The entirety of 1-35 is identified on the LSP as '<i>Existing Woodland/Scrub (Broadleaved)</i>'. • Plot 1-38: This plot is 15,864.09m² (3.92 acres) and is described in the BoR as '<i>agricultural land and trees</i>'. 2,059.17m² (12.98%) of 1-38 is identified in the Work Plans as Work No. 6, while 13,813.96m² (87.02%) of 1-38 is identified in the Work Plans as Work Nos. 1 and 3. The entirety of the 2,059.17m² of 1-38 (Work No. 6) is identified on the LSP as '<i>Existing Woodland/Scrub (Broadleaved)</i>'. The remaining 13,813.96 m² of 1-38 (Work Nos. 1 and 3) is existing grassland and is proposed on the LSP as '<i>Enhanced Grassland (Solar Development Areas)</i>'. <p>While improved granularity will be available following the LEP and LEMP, based on the LSP the areas of existing woodland/scrub in the 12FE plots will be retained as such, and the grassland will also be retained as grassland other than an approximate 641.96m² area</p>

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	<p>which is proposed as broadleaf woodland in 1-33. The implementation and management of these habitats are set out in the OLEMP as follows:</p> <ul style="list-style-type: none"> • Section 3.2 deals with retained habitats and features and a high-level outline of measures for '<i>Existing Woodland and Woodland Enhancement</i>' is provided at paragraphs 3.2.15 – 3.2.18. This is applicable to the 12FE plots which all include existing woodland/scrub either entirely or partially. • Section 3.3 deals with '<i>Other Neutral Grassland</i>' which is the habitat type to be provided in the part of plot 1-38 which could also include Work Nos. 1 and 3. The OLEMP Appendix A – Grazing Management Plan (GMP) may also be relevant to the management practices of this habitat. • Section 3.5 deals with '<i>Broadleaved Woodland</i>' which will be applicable as a new habitat in part of plot 1-33, although could also be applicable within the other existing woodland areas depending on the pre-construction updating habitat condition assessment. • Section 3.6 deals with '<i>Scrub</i>' which is not proposed in the LSP but could become relevant for existing areas of woodland/scrub following the updating habitat assessment. <p>The Applicant notes that Work No. 6 does allow for things other than planting such as fencing and internal access tracks. However, this is primarily to enable existing boundary treatments (deer fencing and dry stone walls) and access tracks in the south of Area C and would not be needed in Work No. 6 to the north where Work No. 3 is also available to provide these.</p> <p>The Outline Construction Environmental Management Plan (OCEMP) [REP4-021] and Outline Operational Management Plan (OOMP) [REP4-020] also mandate that the detailed design include adequate protections for existing and new woodland and hedgerow root protection areas (RPA), and that development which affect root systems either be excluded or mitigated with a no-dig alternative, with the DPD also confirming no-dig availability for ground sensitivities. As all areas of Work No. 6 in the 12FE have existing or new RPA constraints, there cannot be any new infrastructure that would conflict with the RPAs. This means the only works in Work No. 6 areas of the 12FE plots would be to maintain existing planting and provide new planting which is the same sort of planting as already exists over the majority of the Work No. 6 containing plots.</p> <p>The Applicant can confirm that none of the landscaping works are expected to require soil removal/excavation, which is broadly the case for the Proposed Development as-a-whole for both construction and operations. During the construction phase the conservation of soil resources will be controlled by a Soil Management Plan (SMP) in accordance with the OSMP [REP4-023] and the OOMP</p>

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	<p>requires that during the operational phase when works involving excavation wouldn't be required other than for unplanned repair/replacement maintenance issues that arise.</p> <p>If any works could have effects akin to those of construction (such as excavation) relevant construction phase measures (such as the OSMP measures) would be brought forward as required. The OSMP requires that for things like cable trenches, excavated soil is to be stored and then backfilled in accordance with the best practice measures therein. While this could be applicable within Work Nos. 1 and 3, it would not be relevant to the Work No. 6 planting as the OLEMP does not indicate that the implementation or management of the existing/proposed habitats could necessitate any major earthworks or any sort of soil loss.</p> <p>Similarly, if the only development in plot 1-38 area with Work Nos. 1 and 3 is only the solar arrays, perimeter fencing, and cables (which can reasonably be expected to be the extent of works) then there would be intrusions into the sub-soil for these works but no material removal/loss. Standard solar arrays and fence posts are driven into the ground which displace soils and cable trenches require temporary removal and then backfill with the removed materials. As per the DPD the maximum depths of any of these works is Work No. 1 mounting structures (framework posts) which could be up to 4m deep, (the exact depths to be provided at detailed design for Requirement 3).</p> <p>The Applicant also notes that all plots other than the area of grassland in 1-38 would likely require the destruction of woodland habitat for mineral extraction to occur, and such works (if proposed by 12FE) would require planning consent.</p> <p>The entirety of Area A (therefore all 12FE plots) land is restored open cast mining as reported in ES Chapter 10 – Ground Conditions [APP-041] and its associated appendices such as the Coal Mining Hazard Assessment (CMHA) [APP-171]. This confirms the mine restoration scheme required backfill up to 75m deep and the Applicant considers it unlikely that valuable mines and minerals would be left in situ.</p> <p>The Applicant is also not aware of any other indicators of resources other than coal, as indicated by the Council dSoCG [REP4-015] [D5.18] wherein the Minerals and Waste Officer confirms no impact on minerals (see CC.MW.1 on Brick Clay: <i>“the Proposed Development would not involve any loss of the resource, and would not permanently sterilise the resource”</i>, CC.MW.2 on sand and gravel: <i>“prior extraction does not need to be considered as this area is confined to only the area of the existing public highway”</i>), and CC.MW.– 3 on coal: <i>“this is not a safeguarding issue and the Proposed Development would not sterilise the coal resource”</i>, and there</p>

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	is nothing in the extensive detail provided in the Phase 1 Ground Conditions Assessment (GCA) [APP-169][APP-170] or associated with the soil resource sampling undertaken for the Agricultural Land Classification (ALC) Report [APP-105] which indicate otherwise.
5	<p>Action: <i>Applicant to set out the reasonable alternatives that have been explored to undertaking works within 12 Property FE plots</i></p> <p>Applicant Response:</p> <p>All of the land within the Order limits in which 12FE retains an interest is required and necessary for the Proposed Development. As set out in the Statement of Reasons (SoR) [APP-014] at 10.3.6:</p> <p><i>'Without the powers of compulsory acquisition, the national need for the Proposed Development could not be met because the land and rights required in the land subject to the DCO may not be assembled, uncertainty as to the ability to construct, operate and maintain the Proposed Development will continue and the Applicant considers that its objectives would not be achieved.'</i></p> <p>The Applicant has considered reasonable alternatives to undertaking works within 12FE plots. The Applicant respectfully requests that the ExA consider the following factors:</p> <ul style="list-style-type: none"> • The Applicant has entered into voluntary agreements with the owners of the surface above 12FE interests. This permits the Applicant to carry out its works (insofar as they do not encroach into 12FE's interests, which are currently unknown) • All reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored. The Applicant has openly stated its maximum depths (see DPD) and proactively incorporated the Mineral Code to exclude mines and minerals from the scope of powers. Both of these measures significantly reduce the likelihood of impacting 12FE's interests. • The Applicant retains a no-dig scenario within its proposals, but this cannot be confirmed until the detailed design stage. 12FE recently confirmed (at the CAH) that their interests were limited to actual mines and minerals, and did not automatically include all interests beneath the subsoil (in contrast to their earlier assertion [RR-014], with which the Applicant disagrees, that the '<i>mineral estate begins immediately below the surface</i>'. However, given the nature of the works, there is no guarantee that a no dig scenario will be suitable, even if 12FE accept that works can break the surface (although it remains unclear to what depth 12FE consider such works reasonable).

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	<ul style="list-style-type: none"> The proposed interference with the rights of 12FE is for a legitimate purpose, and it is necessary and proportionate. The works and their justification are set out in response to AP4 above. The maximum depths are limited to 4m. However, the ExA should also note that the landscaping works (Work No. 6) provide visual impact mitigation and mitigation for Wythemore Sough (Grade II Listed Building). Avoiding the 12FE plots (in which 12FE only have a qualified title) would result in a loss of the benefits arising from the Proposed Development, impacts of the Proposed Development going unmitigated, and the Applicant being unable to effectively implement its proposals.
6	<p>Action: <i>Applicant to provide details in relation to the surveys that have taken place to date in respect of 12 Property FE plots.</i></p> <p>Applicant Response:</p> <p>As per the discussions for CAH Agenda Item 3(a) (bullet point 3), plots 1-26, 1-33, 1-35 and 1-38 are those with claimed 12FE interests in the Proposed Development's Order land (for ease these may be referred to collectively as 'the 12FE plots' in this response). All plots are within the northwest of an area described as 'Area A' which is the most northern defined section of the Site (see Figure 3.1 – Solar Farm Area Plan [APP-046]. The plots are identified on the Land Plans [AS-007] and the plots are described in the Book of Reference (BoR) [APP-016]</p> <p>No surveys have been done specifically for 12FE. All surveys have been surveys of Area A and/or the Site as a whole. Surveys across the Site including desktop and fieldwork surveys have been extensive. Surveys are reported across the ES and those relevant to the 12FE plots include:</p> <p>ES Appendix 2.4 – Flood Risk Assessment (FRA) and Outline Drainage Strategy (ODS) [REP4-025] provides a FRA for the Proposed Development based on a desktop study of sources reported at section 1.4. FRA and which include data from surveys and modelling, including surveys undertaken in association with other application disciplines such as ecology. FRA Appendix B [APP-101] provides the Applicant's Topographic Survey for the Site which was undertaken in April 2023</p> <p>ES Appendix 2.6 – Noise Impact Assessment (NIA) [REP4-017] reports on environmental sound surveys undertaken on-Site. Survey details are provided in section 3. Figure 3.1 shows the measurement locations of sound level meters placed on the Site, one of which was in, or immediately adjoining, plot 1-26 as the closest part of the Site to Wythemore Sough and Wythemore House as residential noise sensitive receptors.</p>

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	<p>ES Appendix 2.8 – Agricultural Land Classification (ALC) Report [APP-105] reports on published survey data from other sources such as the British Geological Survey (BGS) data. The ALC Appendix D includes the outcome of fieldwork (50 auger bores and topsoil sample locations) taken across Areas A and B in July 2024. This fieldwork was done only the part of the Site north of Gilgarran Road as Area C benefitted from a detailed survey undertaken in 1990, and only limited soil resource sampling was done in Area C in 2024 to check against the 1990 data.</p> <p>ALC Figure 2 shows the Area A sample locations. None appear to be within any of the 12FE plots, but several are in close proximity and provide survey outcomes for the 12FE plots. As per the ‘<i>S106.253 land interest & soil restoration plans</i>’ available on the Council’s planning portal via ref: S106/2/1984/0749 (provided at Appendix D AP6.1), it is known that plots 1-26, 1-33 and 1-35 were subject to a restoration completed in 1995, and 1-38 was part of a previous phase completed in 1993. Therefore, the ALC survey samples taken in proximity to the 12FE plots will provide details of the soils used to cap off the deeper open cast backfill for these plots. The ALC study finds that the subsoils are slowly permeable heavy clay. The ALC study reports nothing from the 2024 soil sampling or other records/sources that indicate potential for (non-coal) mines and mineral interests in Area A. The details of the ALC Report align with the findings of previous intrusive investigations on the Site (see ‘Other’ below).</p> <p>ES Chapter 6 – Cultural Heritage [REP2-027] reports on the outcomes of desktop and fieldwork studies for cultural heritage interests. This includes the Historic Environment Desk Based Assessment (HEDBA) [REP2-030] which considers Area A and provides a 1992 aerial photograph of the open cast mining extents and LiDAR imagery. Based on the HEDBA the Council’s Historic Environment Officer (HEO) recommended further fieldwork (the Appendix 6.2 Geophysical Survey [APP-116]) only in Area C. The survey in Area A was not necessary due to the HEO’s finding that there is no potential for unrecorded archaeology due to the extensive excavation/disturbance associated with the open cast mining.</p> <p>The Applicant considers that this is additional validation of its contention that there is no reasonable expectation of non-coal mines and minerals interest in sub-soils that could be interacted with by the Proposed Development as ground other than made ground would require assessment for archaeological interest. The Applicant also considers the outcomes of the cultural heritage assessments have influenced the Applicant’s requirement for the 12FE plots where Work No. 6 – Green Infrastructure is proposed as screening for Work No. 1 in Area A. (see AP4 and AP5)</p> <p>ES Chapter 7 – Landscape and Visual Impact [REP2-032] reports on desktop surveys and walkover surveys conducted by the Applicant’s landscape architect, which included walkover and/or visual observation of the 12FE plots. The outcomes as reported in ES</p>

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	<p>Chapter 7 and its associated appendices (including Schedule of Landscape Effects [APP-120] and Schedule of Visual Effects [REP2-036]) have led to the Applicant's landscape strategy as visualised on the Landscape Strategy Plan (LSP) [REP2-046].</p> <p>This includes the existing and proposed new structural landscape features in the Work No. 6 parts of the 12FE plots. The LVIA outcomes have influenced the Applicant's requirement for the 12FE plots where Work No. 6 – Green Infrastructure is proposed to provide screening for Work No. 1 in Area A. (see AP4 and AP5)</p> <p>ES Appendix 7.8 – Arboricultural Impact Assessment (AIA) [APP-146] included a fieldwork survey of trees and other woody vegetation, including for Area A and therefore also the 12FE plots which include these features and identifies them as being relevant for tree protection measures which are set out in the Outline Construction Environmental Management Plan (OCEMP) [REP4-021], which also requires an updated survey (see AP7). This survey is relevant to understanding potential impacts on 12FE plots because of the OCEMP commitments to avoiding intrusive works in RPA of trees, which means in the Work No. 6 areas nothing other than planting and management of planting would be allowed (see AP4).</p> <p>ES Chapter 8 – Biodiversity [REP2-053] sets out the ecological surveys undertaken, including desktop and field surveys. This is a topic for which some surveys have been done only in Area C. This is not because the Applicant has neglected to undertake necessary surveys of Area A, but because of the way ecological assessment works; desk studies, preliminary fieldwork surveys, and consultation (including via EIA Scoping and the PEIR) inform any requirements for further assessment. This means there were ecological surveys done in Area C that were not relevant to Area A, such as the Otter and Water Vole Survey [APP-153] because the only relevant watercourses are in Area C. There were no ecological surveys specifically required for the 12FE plots, but multiple surveys were done which included walkover or observation of features in the 12FE plots which are reported across ES Chapter 8 appendices.</p> <p>ES Appendix 8.1 - Preliminary Ecological Appraisal (PEA) and Great Crested Newt (GCN) Report [APP-150]. This reports on the desktop survey (section 3.3) and extended fieldwork habitats survey done to the UK Habitat Classification System ('UKHab') methodology (section 3.4 and section 4). The GCN survey (section 3.8 and 4.9) includes survey of 'Pond 1' which is outside the Order land to the west, with the 12FE plots 1-26, 1-33, and 1-35 of the Site forming the adjoining land boundary to the field containing the pond. No GCN were recorded in this pond. The PEA will be redone in pre-construction as an OCEMP commitment (see AP7).</p> <p>ES Appendix 8.3 - Bat Survey Report [APP-152]. For this survey a static detector was located on or immediately adjoining plot 1-38 (static location 6). This location recorded the highest level of bat activity for the static locations in Area A and B, with much higher</p>

No:	Applicant response to CAH actions
	<p>activity levels recorded in Area C. The Applicant's proposals to infill a break in the structural landscaping within a part of plot 1-33 for screening reasons is also proposed for the benefit of green infrastructure connectivity and improving the corridor as habitat for bats.</p> <p>ES Appendix 8.5 - Breeding Bird Survey Report [APP-154]. This identifies breeding bird records and habitats to inform mitigation requirements and enhancement opportunities. It included walkover and/or observation of the 12FE plots. Figures 1 and 2 show the Breeding Bird Territory Results, and it is noted that the habitats the northwest of Area A proportionately have the highest concentration of red and amber listed birds.</p> <p>This adds to the Applicant's impetus to protect and reinforce/improve existing green infrastructure which includes the protection and betterment of the features on the 12FE plots. The Applicant also considers that the ecological interest in this area, including in land to the west intended as 'Nature Conservation Area' as part of the restoration scheme (see the '<i>S106.253 aftercare plan</i>' associated with S106/2/1984/0749) also make it unlikely that 12FE have a realistic prospect of consent for minerals extraction which would require the destruction of these habitats, which would be required for such works on all 12FE plots.</p> <p>ES Appendix 8.6 - Wintering Bird and Hen Harrier Survey Report [APP-155]. This identifies wintering bird records and habitats to inform mitigation requirements and enhancement opportunities. It included walkover and/or observation of the 12FE plots. As with the Breeding Bird Survey, this identifies the habitats in the 12FE plots as habitats used by amber and red listed birds. Also as with breeding birds, this survey has informed mitigation and enhancement utilising the 12FE plots as part of Work No. 6 – Green Infrastructure (and methodology mitigation for Work Nos. 1 and 6) as per the OCEMP and the Outline Landscape and Ecology Plan (OLEMP) [APP-145]. The outcomes add to the Applicant's consideration that is not reasonable to expect habitat destruction for mineral extraction would be supported.</p> <p>ES Chapter 10 – Ground Conditions [APP-041] reports on extensive desktop and field studies (which would have included walkover and/or observation of the 12FE plots). This Chapter and its appendices are highly relevant to consideration of the likelihood of mineral resources and also makes recommendations for further pre-construction surveys which are secured via the OCEMP (see AP7). This chapter includes Table 10.1 which includes the justification for mineral resources being scoped-out of the EIA (see also ES Chapter 2 – EIA Methodology [APP-033] This is affirmed in the Council dSoCG [REP4-015] at CC.MW.1 – 3.</p> <p>ES Appendix 10.2 - Coal Mining Hazard Assessment (CMHA) [APP-171]. This provides insight into the Site's coal mining history, including for Area A and B. 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. The CMHA is highly relevant to</p>

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	<p>understanding the nature of the 12FE plots and likelihood of mineral resources being present in any sub-soils that could have interaction with elements of the Proposed Development. It also informs requirements for further survey work (see AP7)</p> <p>ES Appendix 10.1 - Phase 1 Ground Conditions Assessment (GCA) [APP-169][APP-170] presents the findings of desk study research, the observations from a Site walkover (which would have included walkover and/or observation of the 12FE plots), a contamination Tier 1 Preliminary Risk Assessment, and a preliminary ground stability assessment. There is extensive data potentially relevant to 12FE and a consideration of the likelihood of non-coal mineral resources. It also informs requirements for further survey work (see AP7)</p> <p>Other - The Applicant can also confirm having sought additional sources of data to inform the ES baseline (as confirmed by the Applicant Response to the ExA's First Written Questions (AREQ1) [REP2-010] for Q4.0.8. This includes consideration of the ground investigation outcomes published in association with the Potato Pot Wind Farm (the Wind Farm) planning application and relevant discharge of conditions documents, particularly for CON6/2012/0594 includes details of the outcomes of boreholes and trial pits in the Wind Farm red line boundary (RLB).</p> <p>The Applicant notes that the infill of Wind Farm RLB land was part of two restoration phases completed in 1993 and 1995, and these two phases apply to the majority of Area A restoration, including all of the restoration relevant to the 12FE plots.</p> <p>The Applicant expects similar soils would be used during each phase of the restoration scheme, and outcomes of the Wind Farm's intrusive investigations can indicate likely outcomes of similar ground investigations to be undertaken for the Proposed Development and provide baseline information relevant to the Applicant's own scoping for pre-construction surveys (see AP7).</p> <p>The Wind Farm '<i>Ground Investigations Report</i>' confirms made ground comprising predominantly gravel and clay sub soils as infill up to depths ranging between approximately 40-50m with a thin layer of topsoil. Nothing in these investigations suggest the presence of mineral resources which could be commercially exploited. This also aligns with the Applicant expectations based on the ALC Report and ES Chapter 10.</p>

No:	Applicant response to CAH actions
7	<p>Action: <i>Applicant to confirm which surveys may need to take place in association with the detailed design, affecting 12 Property FE's plots.</i></p> <p>Applicant Response:</p> <p>Pre-commencement surveys are required to inform the detailed design. This is for the Design Details (Requirement 3) and to inform the environmental baseline and methodologies of other control documents secured by the DCO. Surveys are also required for the Applicant's own engineering purposes.</p> <p>For the purpose of this overview the Applicant is not intending to set out every study or survey which could be done across the Site as a whole, but only those for which there is a known, or known-unknown prospect of being a survey being required in plots 1-26, 1-33, 1-35 and 1-38 (for ease these may be referred to collectively as 'the 12FE plots' in this response) or on immediately adjoining land in Area A. This overview will not set out all surveys and studies relevant to this part of Area A where they would be desktop only and not involve any Site visits.</p> <p>Indicative fieldwork surveys include:</p> <p><u>Ecological/Arboricultural Surveys</u></p> <ul style="list-style-type: none"> • A Preliminary Ecological Appraisal (PEA) to UK Habitat Classification System ('UKHab') methodology as secured by the Outline Construction Environmental Management Plan (OCEMP) [REP4-021] section 5 • A Tree Survey to enable an up-to-date Tree Constraints Plan (TCP) and Tree Protection Plan (TPP) as secured by the OCEMP section 6. <p>Any further ecological surveys requiring phase 2 investigation depend on the outcomes of the above surveys. No ecological surveys are anticipated to have intrusive requirements. The Applicant notes that of the 18,606.65 m² that make up the 12FE plots, approximately 4,792.69m² is proposed in Work No 6 – Green Infrastructure where the only works could be planting and maintenance/management of the planting. Of this, approximately 4,150.73m² is existing broadleaf woodland and scrub</p> <p>All of the existing and new structural landscape habitats are to be retained and suitably protected during the construction and operational phases, so there is no potential for intrusive development (e.g. fencing) within the 12FE plots which are Work No. 6. Likewise, any surveying of these plots would be to inform the ecological baseline and detailed Landscape Ecology Plan (LEP)</p>

No:	Applicant response to CAH actions
	<p>(Requirement 6) and Landscape Ecology Management Plan (LEMP) (Requirement 7) measures. The Applicant does not expect to require intrusive assessments in the 12FE plots which are covered by Work No. 6, and nothing in the OCEMP or Outline LEMP (OLEMP) [APP-145] suggests this could be needed..</p> <p><u>Ground Conditions Surveys</u></p> <p>These include surveys based on outcomes of ES Chapter 10 - Ground Conditions [APP-041] and its associated appendices including the Coal Mining Hazard Assessment (CMHA) [APP-171] and the Phase 1 Ground Conditions Assessment (P1 GCA) [APP-169][APP-170].</p> <p>OCEMP section 11 – ‘Ground Conditions Management’ sets out the surveys required to be done as part of the detailed design, outcomes of which are to inform the design/layout and the environmental management measures of the final CEMP.</p> <p>This section of the OCEMP sets out information on the nature of intrusive ground investigations. However, at least some of these will likely require prior non-instructive field surveys such as ground penetrating radar (GPR) scans, ground conductivity electromagnetic mapping, and MASW (Multichannel Analysis of Surface Waves) survey.</p> <p>Details of the non-intrusive surveys are not part of the OCEMP discussion, but are part of a methodology that can inform where particular targeted invasive surveys will be required. This may be relevant for things like identifying locations of historic mine shafts ahead of engagement with the Mining Remediation Authority (MRA) on the scope of the intrusive investigations.</p> <p>The Applicant can confirm that based on Figure 2.1 of the CMHA and P1 GCA Figure 5 there are no features within or immediately adjoining the 12FE plots, such as potential mineshafts or stability hazard, which are known to require specific targeted investigations. However, the open cast mining history and uncertainty around the made ground in Area A, does mean that additional investigation is required beyond what would be required in parts of the Site in Area C which have only an agricultural use history. As per the OCEMP:</p> <p><i>11.2.1 ...investigation will be necessary and will be undertaken post-consent in order to confirm the ground conditions present in areas of potential geoenvironmental and / or instability hazard. The investigation will provide information enabling a detailed design for the proposed structures and to inform the delivery and layout of the Proposed Development.</i></p>

No:	Applicant response to CAH actions
	<p><i>11.2.2 The aim of the ground investigation would be to investigate and characterise the near-surface soils, such that (following laboratory analysis and assessment) appropriate design parameters can be defined and any required mitigation measures can be designed, including procedures for management of unexpected contamination.</i></p> <p><i>11.2.3 The ground investigation will also provide information relating to stability hazards, including former coal mine entries, areas of potential shallow coal mine workings... The ground investigation will be designed to locate and delineate, as far as is reasonably practicable, the extent of these hazards, with the results of the investigation used to inform the design of the Proposed Development.</i></p> <p>Intrusive ground investigations including boreholes and trial pits in relation to ground stability, ground gasses, and contamination may be undertaken in Area A for any location which is not Work No. 6 and therefore such surveys would be likely in the part of plot 1-38 which includes Work Nos. 1 and 3. The extent and scope/methods of such surveys will be refined as the Applicant approaches the pre-construction detailed design phase. Where appropriate the scope/methodologies will be agreed with the Council's EHO, the MRA, and the Environment Agency (EA) and implemented in accordance with any MRA permitting that may be required.</p> <p><u>Engineering Design Surveys</u></p> <p>The Applicant will do some types of intrusive ground investigation surveys across the Site as a whole, although scope/method may be tailored to different parts where required. The main survey to be done is the 'Geotechnical survey' (geotech) which includes investigations to determine the mechanical soil characteristics and parameters of the soil layers, chemical composition laboratory testing, resistivity testing (e.g. probes and trial pits and including geo-electric soil resistivity measurements using the 4-point Wenner method) and laboratory analysis, penetration testing, infiltration testing, testing to help determine the required ramming depth for each pile type. (according to the soil parameters, static loads, pile dimensions, etc), testing to determine ground water levels, testing to determine the presence of boulders or other impediments to piling, pull out tests to DIN EN 12699:2007-07 standards, etc.</p> <p>Geotech survey scopes are extensive and must be tailored to Site specific requirements based on an up-to-date environmental baseline and some consideration of likely materials to be specified for the generating station infrastructure. It is acknowledged that ground conditions management investigations in the OCEMP may also fall into a "geotechnical survey" category. For the purpose of this response 'geotech' is the standard survey done for all solar farm developments and not additional ground investigations needed based on things like the CMHA and P1 GCA.</p> <p>The Applicant is not aware of any made solar DCOs which have undertaken geotech pre-application or pre-determination. The Applicant is unaware of this being required for any TCPA solar farm projects, or of any precedent where such ground investigations are anything other than a pre-commencement activity. This is a standard scope of deliverables, with the scope/methods of works tailored to</p>

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	<p>site specifics. Geotech will also be more disruptive to normal agricultural operations than any of the application surveys (see AP6). and they are so expensive that it is unlikely to be financially viable for applicants without the security of a consent. These are reasons why they are done post-consent and regularly listed in solar DCOs as permitted preliminary works (see for example Byers Gill and Tillbridge).</p> <p>Geotech outcomes feed into planning documents as additional baseline data sources but this is incidental to the primary engineering design objectives. Details of the engineering ground investigations that will be undertaken for the Applicant's engineering design purposes and the exact scope and locations for intrusive works are not known.</p> <p>The Applicant is only certain that some intrusive ground investigations will be required in plot 1-38 but does not have details at this early stage. The Applicant considers that the scope of the surveys will provide additional data relating to the nature of the sub-soils, including to the maximum depths where any elements of the Proposed Development may interact with the sub-soil layer. However, the Applicant has no reason to expect soil composition outcomes in plot 1-38 will be materially different to those of the Wind Farm restored in the same phase.</p>
8	<p>Action: <i>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.</i></p> <p>Applicant Response:</p> <p>Before confirming the procedure in the Mineral Code the starting point should be to consider the effects of Parts 2 and 3 of Schedule 2 (minerals) to the Acquisition of Land Act 1981 (the Minerals Code) into the DCO.</p> <p>Under the Minerals Code, all mines and minerals are automatically excluded from compulsory powers, other than those that are required or which are directly impacted by the works, e.g. extracted to place a foundation for a mounting structure.</p> <p>The interested party (with the mines & minerals interest) remains in control of its mines and minerals (other than those directly impacted by the works and they remain able to extract mines and minerals on notice, in accordance with the procedure set out in the Minerals Code (see explanation provided below).</p>

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	<p>If an applicant refuses the request received from the interested party and there is a proven interference between the works and the interested party's interest, then the interested party would be entitled to claim compensation in accordance with the compensation code. The amount would be settled by the Upper Tribunal if not agreed between the parties.</p> <p><u>Procedure</u></p> <p>The procedure under the Minerals Code, as set out in Schedule 2, Part III of the ALA 1981, is as follows:</p> <ul style="list-style-type: none"> • <u>Minerals owner's notice</u>: If the owner of the underlying minerals wants to work them, they must give the Applicant 30 days' notice in writing before beginning the work. The Applicant would expect the owner (12FE) to be aware of its interests prior to serving such a notice. • <u>Acquiring authority's response</u>: Upon receiving notice, the Applicant would be required to consider the request. The Applicant may inspect the mines at this stage to understand whether 12FE's works risk impacting the Proposed Development. Where the Applicant considers that the working of the mines/minerals would damage the Proposed Development and the Applicant is willing to pay compensation for all or part of the mines, then the Applicant can reject the notice, and 12FE would be prohibited from working or retrieving them. If, within 30 days from the receipt of the notice, the Applicant does not respond to the notice or does not offer to pay compensation in lieu of permitting extraction of the minerals, then the mineral owner may work the mines/minerals and extract the minerals subject to required safeguards. • <u>Compensation for restricting access</u>: If agreement cannot be reached between the parties as to the level of compensation, then the matter is referred to the Upper Tribunal. • <u>Power of entry and remedial works</u>: If the Applicant confirms permission to work/extract the minerals, then the Applicant is entitled to inspect any works to ascertain if any damage has been caused to the Proposed Development. The Applicant can require the mineral owner to take remedial action <p><u>Surveys</u></p> <p>There is no express requirement on either party to produce surveys to demonstrate the location of mines and minerals under the Code. Although there is an opportunity for the Applicant to inspect the mines/minerals following receipt of a notice. In the Applicant's view, this implies that the mines and minerals owner needs to understand its interests prior to serving a notice. The Applicant's view is that it is for the party claiming ownership of such interests, to provide evidence of its interests. If a notice was served by 12FE, the Applicant</p>

No:	Applicant response to CAH actions
	<p>would expect evidence and details of the proposed mines/minerals. Were a compensation claim to be made, 12FE would need to substantiate its claim that there are mines and minerals in the land.</p> <p>It is not reasonable to expect the Applicant to go any further than the standard of diligent inquiry required by the Planning Act 2008, which the Applicant has met through its Land Referencing exercise which initially identified an interest belonging to 12FE.</p> <p>In the Applicant's view, it would be irrational to permit a third party mine and minerals owner to disrupt a nationally significant infrastructure project on the basis that they claim ownership of mines and minerals which they cannot substantiate, and which are automatically excluded from the scope of powers (except where impacted) owing to the Mineral Code.</p>
9	<p>Action: <i>Applicant to provide a response in writing in relation to Articles 26 - 27</i></p> <p>Applicant Response:</p> <p>To provide context for this response, the Agenda item (taken from the ISH Agenda [EV6-001]) discussed with the ExA at the CAH is set out below:</p> <p><i>'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.'</i></p> <p>The Applicant considers that it important to note that the articles are not inconsistent and that they serve different purposes. There are three points which the Applicant would make:</p> <p>Article 26 (<i>Private rights over land</i>) involves extinguishing or suspending rights after powers are exercised. The Applicant seeks this power in order to take land with a clear, unencumbered title, thereby minimising impediments to the delivery of the authorised development. 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. Article 27 applies to the whole Order land, not just those where compulsory powers have been exercised. It deals with circumstances where an activity undertaken by the Applicant interferes with an existing land right and ensures that the Applicant can interfere with rights as needed (such as the in the example below regarding the power to survey/investigate the land).</p>

No:	Applicant response to CAH actions
	<p>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. The rights under Article 27 continue to exist subject to being extinguished under Article 26.</p> <p>For example, the Applicant may enter land under Article 21 for surveys. However, this action may interfere with existing land rights. These Combined, these articles allow the Applicant to enter land early for surveys (Article 21), and interfere with, and override, any easements (Article 27) for the purpose of those surveys. If the Applicant needed to extinguish those powers, it could do so when exercising powers pursuant to Article 26.</p> <p>Section 120(3) PA 2008 permits a DCO to <i>‘make provision relating to, or matters ancillary to, the development for which consent is granted’</i></p> <p>Provisions that may be included in a DCO, include powers for:</p> <ul style="list-style-type: none"> (i) the creation, suspension or extinguishment (Article 26 dDCO) of, or interference with (Article 27 dDCO), interests in or rights over land (including rights of navigation over water), compulsorily or by agreement, (ii) the abrogation or modification of agreements relating to land. <p>Article 27(1)(b) of the dDCO deals with this latter point as it <i>“permits interference even if it results in a breach of a restriction as to the user of land arising by virtue of a contract”</i>.</p> <p>These articles are well precedented in made Solar DCOs including the following, non-exhaustive list of DCOs:</p> <ul style="list-style-type: none"> ○ Tillbridge Solar Order 2025 ○ Byers Gill Solar Order 2025 ○ Oaklands Farm Solar Park Order 2025 ○ East Yorkshire Solar Farm Order 2025 ○ Heckington Fen Solar Park Order 2025 ○ West Burton Solar Project Order 2025 ○ Cottam Solar Project Order 2024 ○ Gate Burton Energy Park Order 2024 ○ Sunnica Energy Farm Order 2024

No:	Applicant response to CAH actions
	<ul style="list-style-type: none"> ○ Mallard Pass Solar Farm Order 2024 ○ Longfield Solar Farm Order 2023 <p>Given that the Secretary of State has endorsed these articles in a significant number of DCOs, and that they are necessary for the Proposed Development, the Applicant respectfully requests that the ExA recommend their inclusion in the recommended version of the dDCO.</p>
10	<p>Action: <i>Applicant to provide a response in writing in relation to Article 32</i></p> <p>Applicant Response:</p> <p>To provide context for this response, the specific item from the ISH Agenda [EV6-001] discussed with the ExA at the CAH is set out below:</p> <p><i>‘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]).’</i></p> <p>The purpose of Article 32 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.</p> <p>All the public highways land within the Order limits is unregistered land. This means 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 of this position and they will be unable transfer or give rights to the subsoil with any certainty.</p> <p>By way of example, plot 1-71 in the BoR [APP-016] relates to highways land, but the plot includes landowners adjacent to the highway as <i>‘ad medium owners’</i> as well as mines and mineral owners (see Appendix A at AP2.1 for examples of other unregistered highway plots). This power allows the Applicant to cross the street at a subsoil level without having to enter into formal agreements with these parties. Any party who considers that this results in them making a loss, can make a claim for compensation.</p> <p>The Proposed Development includes works to land under streets, for example works to place a cable under a street. The inclusion of this Article therefore reduces the amount of land that needs to be compulsorily acquired for the purposes of the Proposed Development.</p>

No:	Applicant response to CAH actions
	<p>This Article was included in the Model Provisions and is well preceded being included in the majority of DCO's made to date. The Applicant notes that an equivalent Article is included in all but two of the made Solar DCOs. The Applicant considers the Article justified for the reasons set out in the EM [D5.4] and respectfully requests that the ExA recommend its inclusion in the recommended version of the DCO.</p>
11	<p>Action: <i>Applicant to provide a response in writing in relation to Articles 33-34 (temporary possession)</i></p> <p>Applicant Response:</p> <p>To provide context for this response, the specific item from the ISH Agenda [EV6-001]) discussed with the ExA at the CAH is set out below:</p> <p><i>'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]).'</i></p> <p>The Applicant can confirm that all affected parties, subject to permanent acquisition, rights, or temporary possession have, from pre-application consultation to on-going engagement post acceptance, been made aware of the impact on them.</p> <p>The Applicant notified all affected persons of the proposed application in accordance with the statutory consultation requirements under the PA 2008, including consultation under section 42. Details of the consultation undertaken by the Applicant is set out in the Consultation Report [APP-018]. Prior to submission, the Applicant wrote to any affected party with whom it had not yet reached an agreement.</p> <p>The Applicant complied with post-acceptance requirements by providing formal notification of acceptance to landowners through section 56 letters and notices. The section 56 notice directed landowners to the suite of application documents which contained the relevant information such as the Land Plans [AS-007] and the BoR [APP-016].</p> <p>The Applicant has continued to engage with landowners and those with an interest in land regarding the land powers sought within the DCO as set out in the Land and Rights Negotiations Tracker [D5.2].</p> <p>Any party that is subject to powers of compulsory acquisition is also subject to temporary powers of possession under the dDCO. The Applicant has advised landowners, of the worst-case possibility i.e. the permanent acquisition of their land. Their land may be subject</p>

No:	Applicant response to CAH actions
	<p>to temporary possession instead, in order to reduce the amount of permanent land that must be acquired. This is a proportionate approach towards land acquisition that has been endorsed on several made DCOs. The Applicant considers these Articles justified for the reasons set out in the EM [D5.4] and respectfully requests that the ExA recommend their inclusion in the recommended version of the DCO.</p>

Appendix A Unregistered Plots

Table A: AP2.1

Unregistered Plots – Highways
1-01
1-02
1-03
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1-08
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Unregistered Plots – Highways
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2-07
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4-05
4-06

Table B: AP2.2

Unregistered Plots	Description	Freehold or Reputed Freehold Owners	Lessees or Reputed Freehold Owners	Occupiers or Reputed Occupiers	Category 2
1-09	<p>Permanent acquisition of new rights over 266.92 square metres of agricultural land; south of T JN Wythemoor, Winscales, Cumberland</p> <p>(Unregistered Land) (CU283735 - Freehold Mines and Minerals)</p>	<p>Unregistered/Unknown</p> <p>The Right Honourable John Max Henry Scawen Second Baron Egremont and Seventh Baron Leconfield</p> <p>The Estate Office</p> <p>Park Road</p> <p>Petworth</p> <p>GU28 0DU</p> <p>(in respect of mines and minerals)</p>	-	<p>Electricity North West Limited</p> <p>Borron Street</p> <p>Stockport</p> <p>SK1 2JD</p> <p>(Org No. - 02366949) (in respect of electricity cables)</p> <p>Robert Dickinson Gate Phoenix House</p> <p>Ullock</p> <p>Workington</p> <p>CA14 4TP</p> <p>(in respect of a right of way granted by a transfer dated 1 February 1999 on title CU144959)</p> <p>Diana Gate</p> <p>Phoenix House</p> <p>Ullock</p> <p>Workington</p> <p>CA14 4TP</p> <p>(in respect of a right of way granted by a transfer dated 1 February 1999 on title CU144959)</p>	
1-13	<p>Permanent acquisition of 27.17 square metres of hedgerow; south</p>	<p>Unregistered/Unknown</p> <p>The Right Honourable Hugh Clayton Eighth Earl of Lonsdale</p>	-	<p>Robert Dickinson Gate</p> <p>Phoenix House</p> <p>Ullock</p> <p>Workington</p>	-

Unregistered Plots	Description	Freehold or Reputed Freehold Owners	Lessees or Reputed Freehold Owners	Occupiers or Reputed Occupiers	Category 2
	<p>of T JN Whythemoor, Winscales, Cumberland</p> <p>(Unregistered Land) (CU283735 - Freehold Mines and Minerals) (CU273519 - Caution)</p>	<p>c/o The Estate Office Glebe House Lowther Penrith CA10 2HH (caution in respect of mines and minerals)</p> <p>The Right Honourable John Max Henry Scawen Second Baron Egremont and Seventh Baron Leconfield The Estate Office Park Road Petworth GU28 0DU (in respect of mines and minerals)</p>		<p>CA14 4TP</p> <p>Diana Gate Phoenix House Ullock Workington CA14 4TP</p>	
1-15	<p>Permanent acquisition of 158.56 square metres of agricultural land and trees; south of T JN Whythemoor, Winscales, Cumberland</p> <p>(Unregistered Land) (CU283735 - Freehold Mines</p>	<p>Unregistered/Unknown</p> <p>The Right Honourable Hugh Clayton Eighth Earl of Lonsdale c/o The Estate Office Glebe House Lowther Penrith CA10 2HH (caution in respect of mines and minerals)</p>	-	<p>Robert Dickinson Gate Phoenix House Ullock Workington CA14 4TP</p> <p>Diana Gate Phoenix House Ullock Workington CA14 4TP</p>	<p>Electricity North West Limited Borron Street Stockport SK1 2JD (Org No. - 02366949) (in respect of cable easements and right of way)</p> <p>Robert Dickinson Gate Phoenix House Ullock Workington CA14 4TP (in respect of a right of way granted by a</p>

Unregistered Plots	Description	Freehold or Reputed Freehold Owners	Lessees or Reputed Freehold Owners	Occupiers or Reputed Occupiers	Category 2
	and Minerals) (CU273519 - Caution)	The Right Honourable John Max Henry Scawen Second Baron Egremont and Seventh Baron Leconfield The Estate Office Park Road Petworth GU28 0DU (in respect of mines and minerals)			transfer dated 1 February 1999 on title CU144959) Diana Gate Phoenix House Ullock Workington CA14 4TP (in respect of a right of way granted by a transfer dated 1 February 1999 on title CU144959)
1-16	Permanent acquisition of 955.40 square metres of agricultural land; south of T JN Whythemoor, Winscales, Cumberland (Unregistered Land) (CU283735 - Freehold Mines and Minerals)	Unregistered/Unknown The Right Honourable John Max Henry Scawen Second Baron Egremont and Seventh Baron Leconfield The Estate Office Park Road Petworth GU28 0DU (in respect of mines and minerals)	-	Electricity North West Limited Borron Street Stockport SK1 2JD (Org No. - 02366949) (in respect of overhead electricity cables) Robert Dickinson Gate Phoenix House Ullock Workington CA14 4TP Diana Gate	Electricity North West Limited Borron Street Stockport SK1 2JD (Org No. - 02366949) (in respect of overhead electricity cables) Robert Dickinson Gate Phoenix House Ullock Workington CA14 4TP (in respect of a right of way granted by a transfer dated 1 February 1999 on title CU144959) Diana Gate Phoenix House Ullock Workington CA14 4TP

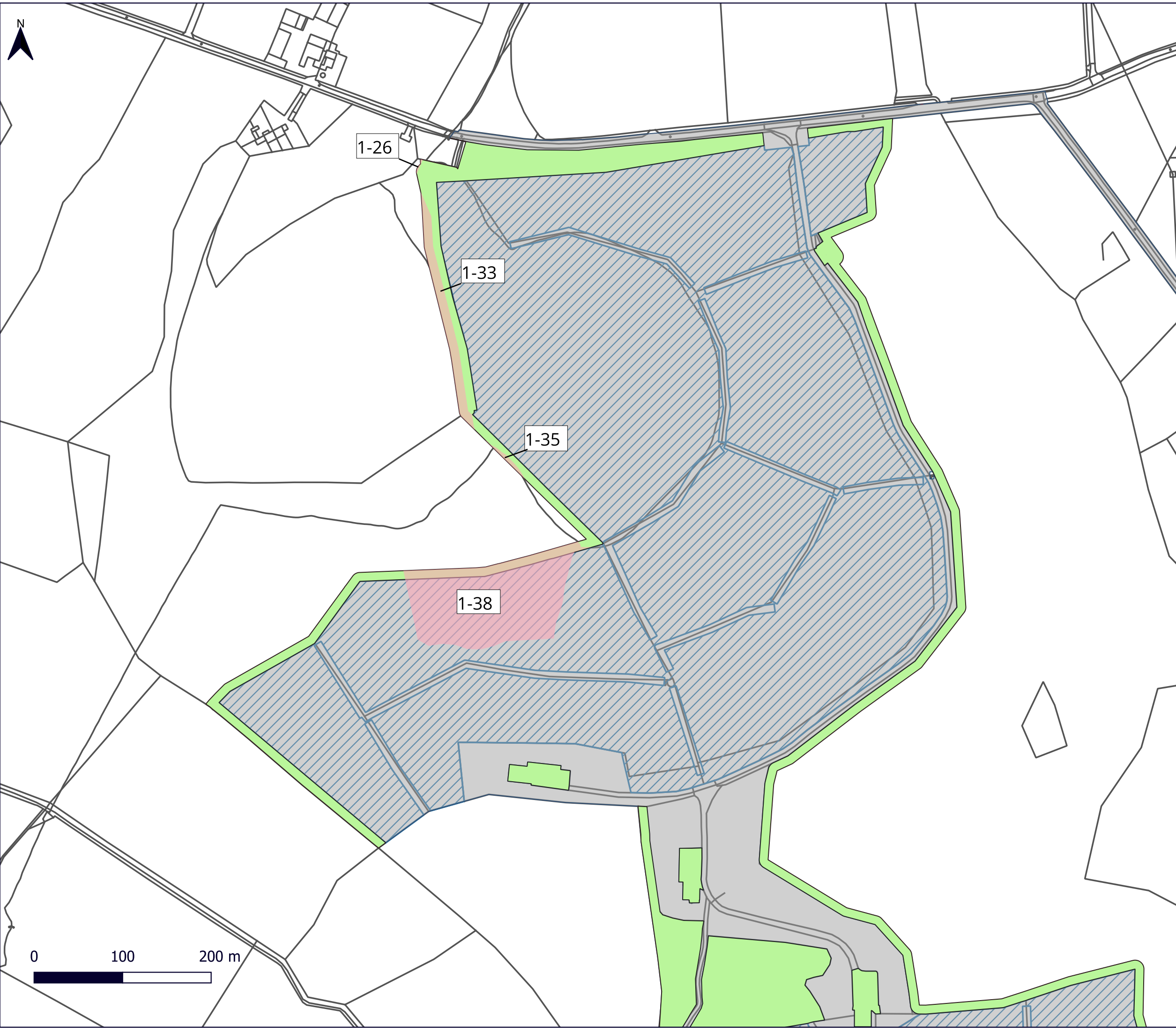
Unregistered Plots	Description	Freehold or Reputed Freehold Owners	Lessees or Reputed Freehold Owners	Occupiers or Reputed Occupiers	Category 2
				Phoenix House Ullock Workington CA14 4TP	(in respect of a right of way granted by a transfer dated 1 February 1999 on title CU144959)
1-17	Permanent acquisition of new rights over 8.58 square metres of agricultural land and trees; south of T JN Whythemoor, Winscales, Cumberland (Unregistered Land) (CU283735 - Freehold Mines and Minerals) (CU273519 - Caution)	Unregistered/Unknown The Right Honourable Hugh Clayton Eighth Earl of Lonsdale c/o The Estate Office Glebe House Lowther Penrith CA10 2HH (caution in respect of mines and minerals) The Right Honourable John Max Henry Scawen Second Baron Egremont and Seventh Baron Leconfield The Estate Office Park Road Petworth GU28 0DU (in respect of mines and minerals)	-	-	Electricity North West Limited Borron Street Stockport SK1 2JD (Org No. - 02366949) (in respect of cable easements and right of way) Robert Dickinson Gate Phoenix House Ullock Workington CA14 4TP (in respect of a right of way granted by a transfer dated 1 February 1999 on title CU144959) Diana Gate Phoenix House Ullock Workington CA14 4TP (in respect of a right of way granted by a transfer dated 1 February 1999 on title CU144959)
1-18	Permanent acquisition of	Unregistered/Unknown	-	Electricity North West Limited	Electricity North West Limited Borron Street Stockport


Unregistered Plots	Description	Freehold or Reputed Freehold Owners	Lessees or Reputed Freehold Owners	Occupiers or Reputed Occupiers	Category 2
	<p>1107.46 square metres of agricultural land; south of T JN Whythemoor, Winscales, Cumberland</p> <p>(Unregistered Land) (CU283735 - Freehold Mines and Minerals)</p>	<p>The Right Honourable John Max Henry Scawen Second Baron Egremont and Seventh Baron Leconfield The Estate Office Park Road Petworth GU28 0DU (in respect of mines and minerals)</p>		<p>Borron Street Stockport SK1 2JD (Org No. - 02366949) (in respect of overhead electricity cables)</p> <p>Robert Dickinson Gate Phoenix House Ullock Workington CA14 4TP (in respect of a right of way granted by a transfer dated 1 February 1999 on title CU144959)</p> <p>Diana Gate Phoenix House Ullock Workington CA14 4TP (in respect of a right of way granted by a transfer dated 1 February 1999 on title CU144959)</p>	<p>SK1 2JD (Org No. - 02366949) (in respect of overhead electricity cables)</p> <p>Robert Dickinson Gate Phoenix House Ullock Workington CA14 4TP (in respect of a right of way granted by a transfer dated 1 February 1999 on title CU144959)</p> <p>Diana Gate Phoenix House Ullock Workington CA14 4TP (in respect of a right of way granted by a transfer dated 1 February 1999 on title CU144959)</p>
1-19	<p>Permanent acquisition of 80.74 square metres of agricultural land and trees; south of T JN Whythemoor, Winscales, Cumberland</p>	<p>Unregistered/Unknown</p> <p>The Right Honourable Hugh Clayton Eighth Earl of Lonsdale c/o The Estate Office Glebe House Lowther Penrith</p>	-	<p>Robert Dickinson Gate Phoenix House Ullock Workington CA14 4TP</p> <p>Diana Gate Phoenix House</p>	<p>Electricity North West Limited Borron Street Stockport SK1 2JD (Org No. - 02366949) (in respect of cable easements and right of way)</p> <p>Robert Dickinson Gate Phoenix House</p>

Unregistered Plots	Description	Freehold or Reputed Freehold Owners	Lessees or Reputed Freehold Owners	Occupiers or Reputed Occupiers	Category 2
	(Unregistered Land) (CU283735 - Freehold Mines and Minerals) (CU273519 - Caution)	CA10 2HH (caution in respect of mines and minerals) The Right Honourable John Max Henry Scawen Second Baron Egremont and Seventh Baron Leconfield The Estate Office Park Road Petworth GU28 0DU (in respect of mines and minerals)		Ullock Workington CA14 4TP	Ullock Workington CA14 4TP (in respect of a right of way granted by a transfer dated 1 February 1999 on title CU144959) Diana Gate Phoenix House Ullock Workington CA14 4TP (in respect of a right of way granted by a transfer dated 1 February 1999 on title CU144959)
1-28	Permanent acquisition of 369.89 square metres of agricultural land, trees, beck (Wythemoor Beck) and access track; south of T JN Wythemoor, Winscales, Cumberland (Unregistered Land)	Unregistered/Unknown	-	Unregistered /Unknown	-

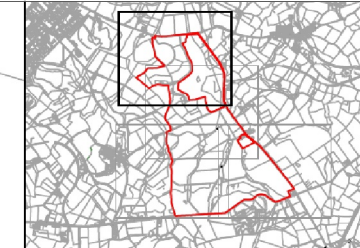
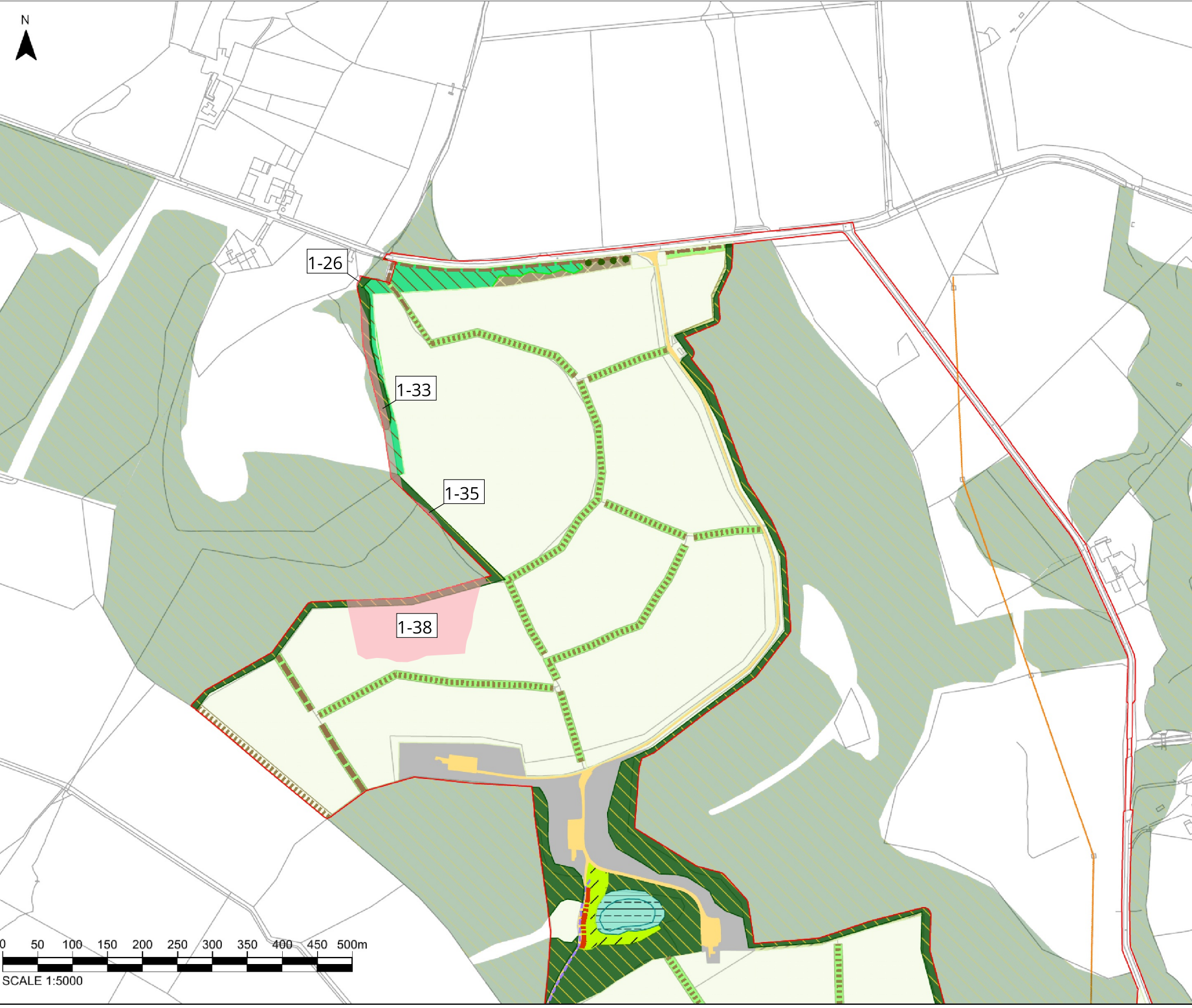
Unregistered Plots	Description	Freehold or Reputed Freehold Owners	Lessees or Reputed Freehold Owners	Occupiers or Reputed Occupiers	Category 2
1-60	<p>Temporary possession of 26.00 square metres of verge; west of Lostrigg, Branthwaite, Workington, CA14 4RG</p> <p>(Unregistered Land) (CU283748 – Freehold Mines and Minerals)</p>	<p>Unregistered / Unknown</p> <p>The Right Honourable John Max Henry Scawen Second Baron Egremont and Seventh Baron Leconfield</p> <p>The Estate Office</p> <p>Park Road</p> <p>Petworth</p> <p>GU280DU</p> <p>(in respect of mines and minerals)</p>	-	-	-

Appendix B Work Plans and Land Plans




Legend		
<div><div></div></div>	Order Limits	
<div><div></div></div>	Land Plan Area	
<div><div></div></div>	Work No.1	
<div><div></div></div>	Work No.3	
<div><div></div></div>	Work No.6	
Project Title		
<div><div></div><div><div>Dean Moor</div><div>Solar Farm</div></div></div>		
FVS Dean Moor Limited		
Title		
Works Area Land Plan Overlay		
Scale 1:1,000 @ A3		Date: 24/11/2025
Drawn: RP		Checked:
Figure: 1	Sheet 1 of 1	Rev: C

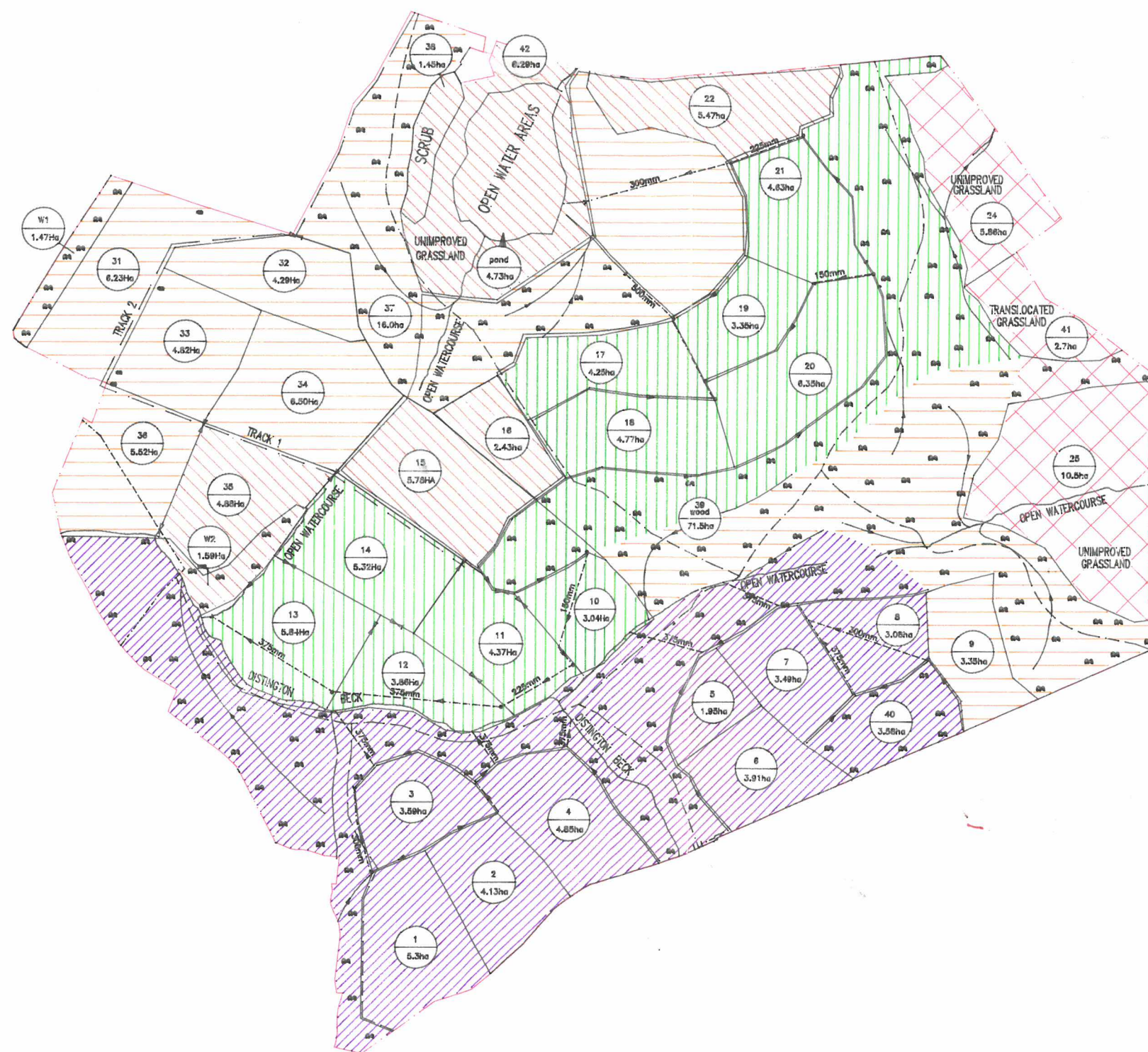
Appendix C Landscape Strategy Plan and Land Plans



- LEGEND**
- Order Limits
- EXISTING FEATURES**
- Existing Woodland/Scrub (Broadleaved)
 - Existing Woodland (Out of Order Limits)
 - Existing Wind Turbines and Landscaping
 - Existing Electrical Infrastructure
 - Existing Track
- INDICATIVE PROPOSED FEATURES / MEASURES**
- Enhanced Grassland (Solar Development Areas)
 - Acid Grassland (Rough acid moorland achieved through relaxed grazing)
 - Other Neutral Grassland
 - Existing pond & watercourses to be enhanced with vegetation clearance and riparian planting
 - Broadleaved Woodland
 - Scrub Planting
 - Existing Hedgerow (to be enhanced to 3-3.5m height)
 - Existing Hedgerow (to be infilled and maintained to height of ~2m height)
 - Willow Screen
 - Hedgerow Trees
 - Enhancement to existing Woodland / Scrub
 - Potential Permissive Path
 - Land Plan Area

Project Title		
		
Client		
FVS Dean Moor Limited		
Title		
DEAN MOOR SOLAR FARM DEVELOPMENT CONSENT ORDER Landscape Strategy Plan Land Plan Overlay		
Scale: 1:5000 @ A3	Date: 19/11/25	
Drawn: RP	Checked:	
Figure:	Sheet	Rev A

Appendix D S106.253 Land Interest and Soil Restoration Plans



KEY

- Restored 1992 or before
- Restored 1993
- Restored 1994
- Restored 1995
- Undisturbed

Dates refer to end of the restoration season ie 30th September.

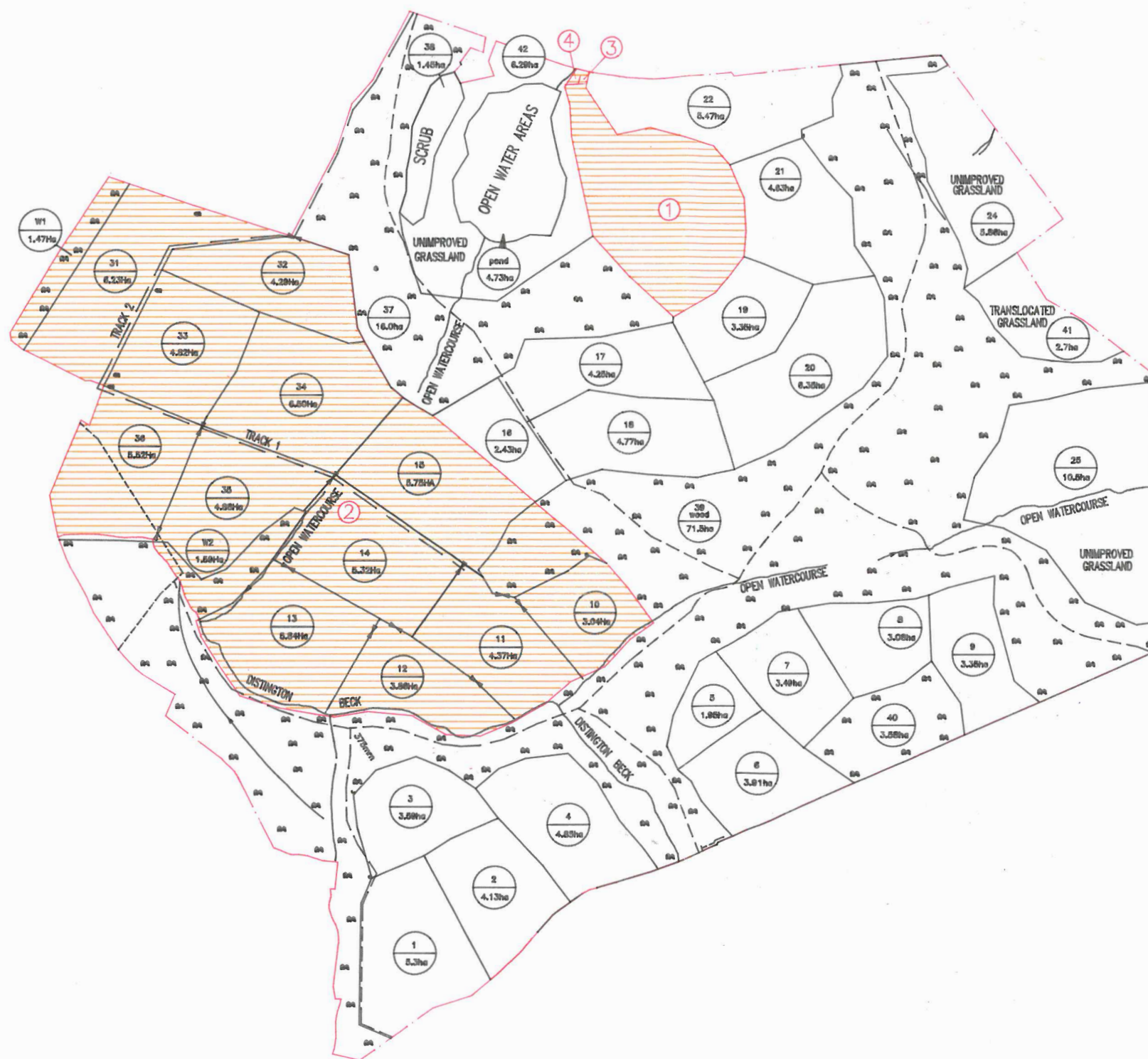
POTATOPOT OCCS

Soil Restoration

date	13.12.95
scale	1:10 000
drawn by	S. Corner
checked by	K. Dignan
approved by	M. Holcombe
drawing ref.	potsoil
map reference	0512/LEH8C



ADAS
FOOD, FARMING, LAND & LEISURE



K E Y

- land interest area
- 1 Mr. A. Watson
Wythemoor House Farm
Wythemoor
Distington
Cumbria
- 2 The Beneficiaries of Mr. W. Duncan
Wythemoor Head Farm
Distington
Cumbria
- 3 Dean Parish Council
- 4 Winscales Parish Council

POTATOPOT OCCS

Land Interest Plan

date	3.1.98
scale	1:10 000
drawn by	S. Corner
checked by	K. Dignan
approved by	M. Holcombe
drawing ref.	potland
map reference	0512/LEH8C



ADAS
FOOD, FARMING, LAND & LEISURE