



Dean Moor Solar Farm

Applicant Response to the Rule 17 Letter

on behalf of **FVS Dean Moor Limited**

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Prepared by: Stantec UK Ltd
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DEAN MOOR SOLAR FARM
APPLICANT RESPONSE TO THE RULE 17 LETTER
PLANNING INSPECTORATE REFERENCE EN010155
PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED

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1 Applicant Response to the Rule 17 Letter

1.1 Introduction

1.1.1 This ‘Applicant Response to the Rule 17 Letter’ (‘ARR17’) [D5.26] 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 This document has been prepared to provide the Applicant’s response to the Examining Authority’s (‘ExA’) Rule 17 letter [PD-015] of 18 November 2025.

1.1.3 The Rule 17 Letter states the following:

“This request refers particularly to the draft statement of common ground (SoCG) between the applicant and the Lake District National Park Authority (LDNPA) [REP3-017].

I request further clarification regarding item ‘LDNPA.2’ in Table 2.1 of the SoCG. Although this is recorded as an agreed matter, it appears that the parties interpret the application of the EIA methodology differently.

To aid understanding, I ask that both parties clearly set out their respective approaches—step by step—with reference to the EIA methodology and relevant GLVIA guidance. This should include an explanation of how each party has assessed the proposed development in relation to the viewpoints cited. Where methodological differences exist, the implications of those differences on the conclusions drawn, both for the individual viewpoints and for the overall visual impact on the Lake District National Park, should be clearly identified, whether agreed jointly or presented separately.”

1.1.4 The Applicant met with the Lake District National Park Authority (‘LDNPA’) on 20 November following the issue of the Rule 17 letter. The Applicant and the LDNPA reaffirmed that there is acceptance on the approach and conclusions reached and this is confirmed through the SoCG which is submitted as a signed final version for Deadline 5 (D5) [D5.24].

1.1.5 The Applicant and the LDNPA have agreed to submit independent responses to the Rule 17 letter to addresses the matters raised in the Rule 17 letter from aligned and complementary, but independent, perspectives. In doing so, the

Applicant and the LDNPA have also had the opportunity to review one' another's Rule 17 responses prior to D5.

1.1.6 In addition to this ARR17 the Applicant can refer the ExA to Applicant and LDNPA responses relevant to this topic. This includes:

- The Applicant Response to EXQ1 (AREQ1) [[REP2-010](#)] in response to question Q6.0.1.
- The Applicant Response to ISH Agenda Items Annex A (ARISH-A) [[REP3-015](#)] addressing Item 5(a).
- The LDNPA Response to the Rule 17 (R17) Letter [[REP3-028](#)] addressing Item 5(a) of the ISH Agenda.
- The Applicant Response to EXQ2 (AREQ2) [[REP4-004](#)] in response to question Q2.4.1
- The Applicant Response to D3 Written Representations (1 of 2) (ARWR-3) [[REP4-005](#)] responding to the LDNPA's D3 R17 Response.
- The LDNPA Response to EXQ2 [[REP4-031](#)] in response to question Q2.4.1
- The Applicant Response to D4 Written Representations (ARWR-4) [[D5.6](#)] responding to the LDNPA's EXQ2 response to question Q2.4.1.

1.2 The Applicant's Approach

- 1.2.1 In response to the ExA's request, the Applicant's LVIA methodology is set out in Appendix 7.1 LVIA Methodology [[REP2-034](#)]. This provides a clear and transparent process with how the Applicant has derived judgments on value, susceptibility informing overall sensitivity of both landscape and visual receptors. It also provides a method for how the size/scale, geographical extent, duration of effect, and reversibility have informed the overall judgments on magnitude of effect.
- 1.2.2 Levels for each judgement are defined with the overall sensitivity (Table 3.5) set out on a four-point scale ranging from Very High to Low, and the overall magnitude of effect (Table 3.10) set out on a six-point scale ranging from Major to no change.
- 1.2.3 Levels of significance are based on Table 3.17 combining judgments on sensitivity of the receptor with judgments of magnitude of effect. This results

in levels of significance ranging from No Change through to Substantial. Effects of a Moderate, Major, Major to Substantial are considered Significant.

- 1.2.4 The approach aligns with guidance and industry best practice as set out in GLVIA3 and subsequent clarifications and technical guidance notes as identified in ES Chapter 7 – Landscape and Visual [REP2-032]. In accordance with Environmental Impact Assessment (EIA) Regulations 2017 the assessment has been undertaken with an emphasis on the identification of likely significant landscape and visual effects.
- 1.2.5 Consultation with the LDNPA which has informed the application, identified that view locations from within the Lake District National Park (LDNP) should be considered: View Locations 13 (view from Blake Fell) and 14 (view from Darling Fell, which is representative of views from the Fellbarrow range) were selected and considered within Chapter 7 and associated appendices. These elevated views from the fells were considered to be the only likely parts of the LDNP to experience visual effects as identified by the visibility analysis presented on Figures 7.4a and b, and Figures 7.5a to c [APP-083 to APP-087]. These are therefore considered to be representative of the visual effects from the LDNP.

1.3 The Applicants Explanation of the Assessment

- 1.3.1 In response to providing an explanation of the assessment of the Proposed Development from the View Location, in accordance with the LVIA methodology [REP2-034], the sensitivity for each view location was identified as **Very High**. This combined judgments on the value of views, being **Very High**, due to the high scenic value, and as the view forms an important part of the experience within landscapes of international importance; the English Lakes World Heritage Site (WHS). The susceptibility to change was derived as **High** due to the receptor type being people engaged in outdoor recreation, and visitors where views of the surroundings are an important part of the experience.
- 1.3.2 In accordance with the LVIA methodology, the magnitude of visual effect for each view location was identified as **Negligible adverse**. This effect is

applicable to all phases of the Proposed Development (Construction, Operation at year 1, and Operation after 15 years). This combined judgments of size/scale which are considered **very small** throughout all phases; the geographical extent, also **very small** throughout all phases; and duration and reversibility which vary from **short term to long term** dependant on the phase of the Proposed Development.

- 1.3.3 The Proposed Development is considered to be a very small change to the size and scale factor, representing very little change to the view, with the proposals a barely perceptible visual change, which would not affect the baseline view composition. The Proposed Development would be at a considerable distance, occupying part of the long distance and wide angled view, affecting only a very small part of the overall view.
- 1.3.4 When combining judgments of **Very High** sensitivity and **negligible adverse** magnitude of effect (with reference to Table 3.17), the resulting level of significance is concluded as **Moderate** which is a **significant effect**. The Applicant considers this to be a very worst-case scenario, and a robust approach considering the visual receptor as very high which ultimately results in the moderate level of significance and significant effect.

1.4 Explanation of Methodological Differences

- 1.4.1 In response to methodological differences, the LDNPA considers the term 'negligible' as problematic as this can be considered as analogous to imperceptible and as a result assessed the impact as minor (the third point in the scale) in the GLVIA assessment. The LDNPA prefer the use of 'very low magnitude' rather than 'negligible'.
- 1.4.2 No methodology has been presented by the LDNPA, but reference to the approach is set out in the LDNPA's D3 response to the Rule 17 letter [REP3-028] which defines a four-point scale being considered for landscape and visual impacts in accordance with the EIA methodology.
- 1.4.3 The Applicant considers this approach set out by the LDNPA to be similar to that prepared by Cumberland Council in the Council's Landscape and Visual

Impact Assessment Review (the 'LVIA Review' [AS-005] with a reduced number of levels considered. Therefore, a very high level of sensitivity is not defined, and a rating of High is applied to View Locations 13 and 14 resulting from these users predominantly being *'recreational users visiting the high fells for quiet enjoyment, including the appreciation of the available views'*.

- 1.4.4 The magnitude of effect is agreed as being very limited due to the distance of the site from the receptors (albeit difference in terminology with the Applicant concluding a negligible and the LDNPA a very low magnitude of effect).
- 1.4.5 When combining judgements of the LDNPA's high sensitivity and very low magnitude of effect this results a minor adverse and a non-significant effect.
- 1.4.6 The implications of the differences on the conclusions drawn is that the Applicant has identified a significant effect whereas the Authority has not, and as set out previously the Applicant considers this to be a robust and worst-case approach taking into account the English Lake District World Heritage Site's (WHS) international value in addition to the Lake District National Park designation.

1.5 Conclusion

- 1.5.1 With reference to NPS EN-1 paragraph 5.10.7 the Applicant considers it has applied the views associated with the Lake District National Park (and WHS) the highest regard as has the LDNPA when considering our respective methodologies. The consideration of very high sensitivity was not applied by the LDNPA but the highest level of sensitivity was applied in accordance with their methodology.
- 1.5.2 With reference to paragraph 5.10.8 of NPS EN-1 which states that the *'duty to seek to further the purposes of nationally designated landscapes also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them'* the Applicant considers it has responded to this appropriately.

- 1.5.3 Paragraph 5.10.8 also identifies that *'In these locations, projects should be designed sensitively given the various siting, operational, and other relevant constraints.'*
- 1.5.4 As confirmed by dSoCG [[REP3-017](#)] (as finalised in **D5.25**) item LDNPA.8, the LDNPA agrees that the Proposed Development has been sited to be the least intrusive and avoid the higher land within the Site to minimise impacts to the LDNP.