Dean Moor
Solar Farm

Applicant Response to ISH Action Points

on behalf of **FVS Dean Moor Limited**

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DEAN MOOR SOLAR FARM

APPLICANT RESPONSE TO ISH ACTION POINTS

PLANNING INSPECTORATE REFERENCE EN010155

PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED

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Contents

1 Introduction

Overview

1.1.1 This is the Applicant Response to the Issue Specific Hearing (ISH) Action Points (ARAP-ISH) raised at the ISH held by the Examining Authority (ExA) on 11 November 2025.

1.1.2 The ARAP-ISH 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').

Overview and Structure of Response

1.1.3 Table 1.1 lists the Action Points (AP) from the ISH. 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 ISH 1 (ISH1)' [**EV6-001**], although it is noted that actions were recorded which did not correspond to any sub-agenda item. Where possible within the ISH, APs were confirmed with the ExA.

1.1.4 The Applicant's Written Summary of the ISH (AWSOS-ISH) has been provided at Deadline 5 [**D5.7**] which summarises the Applicant's oral submissions at the ISH which occurred virtually via Microsoft Teams on 11 November 2025.

1.1.5 This ARAP-ISH is supported by the following appendices:

- Appendix A – Comparison of dDCO against Stonestreet Green DCO (AP1);
- Appendix B – Letter sent to Ms Carling and Mr Fulton (AP31);
- Appendix C – PEIR Concept Layout (AP32).

Table 1.1: ISH Action Points

Item	No.	Action
N/A	1	Review the Stonestreet Green Solar Order 2025 and Explanatory Memorandum.
	2	Provide an updated dDCO at Deadline 5.
1(a)	3	Confirm whether an amendment to the reference to the word '*begin*' in 'Requirement 2 of Schedule 2 to the dDCO is necessary.
1(b)	4	With reference to recent precedent, consider and confirm whether the definition of '*Order land*' is sufficiently clear.
1(c)	5	Explain why Article 2(13) is required for the project
1(c)	6	With reference to precedent, justify exclusion of the words 'within the Order Limits' from Article 3, with reference also to the definition of 'authorised development'. Consider whether the wording in articles 20, 21 and 42 such as '*adjacent*' and '*near*' is sufficiently clear and whether it is necessary for consistency in that wording across those articles.
1(d)	7	In relation to Article 5, set out a list of exceptions contained within the Order.
1(e)	8	Justify the exceptions in Article 8(3) (i.e. transfer without the Secretary of State's consent), in particular in relation to a transfer or grant to ENW
1(f)	9	With reference to precedent, confirm whether any further amendment to the notification period within Article 8 is considered necessary.
1(h)	10	Justify why Article 12 is required for the Proposed Development. Explain the extent to which street works have been consulted on.
1(i)	11	Confirm the date to be added to Article 15(7).
1(j)	12	Identify which plan within the application shows roads within the Order Limits which could be subject to the power under Article 17.
1(n)	13	Confirm the extent of the land within the Order Limits that Article 40 applies to and the relevance of the definition of '*operational land*'. Explain which permitted development rights apply and the extent to which they could lead to significant environmental effects.
N/A	14	Update Schedule 13 of the dDCO to reflect the latest versions of certified documents.
N/A	15	Confirm address for inspection of certified documents within the Explanatory Note.
2(a)	16	Check the Policy Compliance Document [APP-027] for consistency with the Planning Statement [AS-10].
2(a)	17	Cumberland Council to provide a copy of all of Local Plan documents to the ExA

2(a)	18	Outline the broad terms of the Grid Connection Statement [APP-176] including the duration of the agreement.
2(a)	19	Check whether any updates are required to the Consents and Agreement Position Statement [APP-025].
2(a)	20	ES Chapter 4 Alternatives and Design Evolution – confirm if/how sites beyond the immediate locality and the Point of Connection were considered.
2(a)	21	Consider any potential conflict between the Potato Pot Wind Farm with the Proposed Development, particularly with regard to works outside of the Wind Farm red line boundary.
2(a)	22	On the Generic Quantitative Risk Assessment (GQRA) noted in the ARRR [**REP1-002**], confirm to what extent is this secured by a control document and agreed with the Environment Agency
2(a)	23	Explain how the decommissioning of the Proposed Development will be secured and whether a decommissioning fund or bond is required (consider in relation to the Funding Statement).
2(a)	24	Confirm the extent to which 'permitted preliminary works' have been considered for the ES assessment and the application as a whole.
2(b)	25	Submit updated dSoCGs at D5 and provide written response giving a status update (pending signature, signed, or still under discussion matters) for each dSoCG.
3(a)	26	Applicant to review the Design Parameters Document (DPD) and consider the matters raised by the ExA in relation to local context / aesthetic considerations. Consider, and discuss with the Council whether any further changes can be made to refine in the DPD terms of aesthetics.
4(a)	27	Submit the Lifecycle Carbon Assessment Technical Note in advance of Deadline 5.
5(c) (d)	28	Explain in writing the gradient of harm on '*less than substantial harm'* for the three key assets; the Stone Circle and Cairn, Wythemoor Sough, and English Lake District WHS
5(d)	29	Explain how mitigation has been considered within the assessment for the Stone Circle and Round Cairn and Wythemoor Sough, and consider the extent to which effects could be further reduced.
6(c)	30	Submit a revised version of the Schedule of Landscape Effects [APP-120], with a correction to the description of magnitude for LCT 9a.
6(d)	31	Provide Ms Carling with details of the distances between their property and the solar PV infrastructure (Work No. 1) and the landscaping in advance of D5. Provide a WS at D5 with the details provided. .
6(d)	32	Provide insight into how the removal of the BESS following PEIR may have enabled other design considerations, particularly in relation to nearby residential properties
7(a)	33	Applicant to respond in writing to set out the implications for the Proposed Development if the County Wildlife Site (CWS) was completely avoided (i.e. a scenario where the Proposed Development is brought forwards, but the CWS is avoided).

2 Agenda Item 1 – Draft Development Consent Order

Table 2.1: Applicant response to ISH Draft Development Consent Order APs

No.	Applicant response to ISH actions
1	**Action:** *Applicant to review the Stonestreet Green Solar Order 2025 and Explanatory Memorandum* **Applicant Response:** The Applicant has reviewed the Stonestreet Green Solar Order 2025 ('Stonestreet') and Explanatory Memorandum alongside the Secretary of State's decision letter. The Applicant has focused on the modifications made by the Secretary of State in making the Stonestreet Order. The Applicant has included a table at Appendix A to this document which considers each of the modifications made and sets out the Applicant's position with regarding the drafting in the draft DCO (dDCO) [**D5.5**]. Where the Applicant has taken a different approach, the Applicant has set out the reasoning for this. The Applicant would note that are different approaches to drafting in DCOs and where the Applicant has taken a different approach to another DCO, such as Stonestreet, that does not necessarily mean the approach is wrong.
2	**Action:** *Applicant to provide an updated dDCO at Deadline 5* **Applicant Response:** The Applicant has submitted an updated version of the draft DCO (dDCO) (clean version and tracked versions) [**D5.3**], the Explanatory Memorandum (EM) (clean version and tracked versions) [**D5.4**] and the Schedule of Changes to the draft DCO [**D5.5**] at Deadline 5.

3	**Action:** *Applicant to confirm whether an amendment to the reference to the word 'begin' in 'Requirement 2 of Schedule 2 to the dDCO is necessary.* **Applicant Response:** The use of the word *'begin'* in Requirement 2 of Schedule 2 is deliberate and has been included so that there is only a requirement to begin the development within the time period mentioned in Requirement 2. The draft DCO submitted at Deadline 5 [**D5.5**] has been updated to include a definition of '*begin*' in Requirement 1 of Schedule 2. The key distinction with the definition of '*commence*', used in other Requirements, is that '*begin*' includes material operations, including the permitted preliminary works (defined in the dDCO), and 'commence' does not. In the Applicant's view, the drafting is clear in using *'begin'* where preliminary works should be considered (because it is sufficient for the development to have carried out a material operation to satisfy the time limit requirement), and '*commence*', which excludes the preliminary works, where controls must be secured prior to starting the relevant works. The Applicant has amended the EM [**D5.4**] to provide further detail justifying this wording and referencing precedent. The Applicant acknowledges that other solar DCOs, including Stonestreet, do not use the word '*begin'* in the equivalent Requirement. However, the Applicant does not consider that the type of infrastructure being consented in relevant to this matter as it is a drafting consideration.
4	**Action:** *With reference to recent precedent, consider and confirm whether the definition of 'Order land' is sufficiently clear.* **Applicant Response:** For the reasons set out in the Applicant's response to Q11.0.2 of [**REP2-010**], the Applicant considers the definition of '*Order land'* is sufficiently clear. Stonestreet, The Tillbridge Solar Order 2025 ('Tillbridge'), The Byers Gill Solar Order 2025 ('Byers Gill') (which are the three most recently consented solar DCOs), The Heckington Fen Solar Park Order 2025 ('Heckington Fen'), The Sunnica Energy Farm Order 2024 ('Sunnica') and The Cleve Hill Solar Park Order 2020 ('Cleve Hill') all adopt the same definition. The Applicant has amended the EM [**D5.4**] to reference this precedent. The Applicant notes there is also a definition of '*Order limits'* within the dDCO (defined in Article 2), as is the usual approach within DCOs. '*Order land'* is defined with reference to the Land Plans [**AS-007**] as this is the term used in the articles in the dDCO relating to compulsory acquisition

	powers. The term *'Order limits'* is defined by reference to the Work Plans [**APP-007**] and is used in many of the articles containing other, non-compulsory acquisition, powers.
5	**Action:** *Applicant to explain why Article 2(13) is required for the project* **Applicant Response:** As explained in the Applicant's response to Q11.0.2 in AREQ1 [**REP2-010**], the Applicant has amended Article 2(13) to refer only to statutory undertakers. This article is included to clarify that where rights are to be acquired for the benefit of statutory undertakers, this includes a power to require the party with an interest in that land to grant those rights to the statutory undertaker. The provision merely clarifies the existing provisions in the substantive articles in Part 5 (Powers of acquisition) of the dDCO, which are necessary to ensure that rights for the benefit of a statutory undertaker's apparatus, can be granted through the DCO. This article is required for the project because there are statutory undertakers with apparatus within the Order Limits, such as Electricity North West Limited (ENW) and Northern Gas Networks. This article would therefore help facilitate the acquisition of rights for their benefit, should this be required. The Applicant as amended the EM [**D5.4**] to provide further precedent for this provision. The Applicant acknowledges that the Proposed Development is not comparable to the DCOs referenced as precedent in terms of project type or scale, however the Applicant does not consider those factors to be relevant as to whether the provision is relevant to the Proposed Development.
6	**Action:** *With reference to precedent, Applicant to justify exclusion of the words 'within the Order Limits' from Article 3, with reference also to the definition of 'authorised development'.* *Consider whether the wording in articles 20, 21 and 42 such as 'adjacent' and 'near' is sufficiently clear and whether it is necessary for consistency in that wording across those articles.* **Applicant Response:** The Applicant has set out its position regarding the exclusion of the words '*within the Order Limits'* from Article 3 in its response to Q11.0.3 in AREQ1 [**REP2-010**]. There are limited activities which may need to take place outside of the Order limits and this is provided for in the Order, in Articles 20, 21 and 42. These articles are routinely included in made DCOs (including solar DCOs) and are needed to support the delivery of the authorised development and also serve to reduce in scope the amount of land required for temporary possession and/or compulsory acquisition, since the land would otherwise require to be included within the Order limits. By not including the wording '*within the Order Limits'* in the drafting of

Article 3, the Applicant is not seeking powers beyond what is precedented in other made DCOs but is simply accurately reflecting the powers as contained within the DCO.

This approach (i.e. the removal of the phrase '*within the Order limits'* from this article) has been explicitly endorsed by the Secretary of State in the A303 Amesbury to Berwick Down Correction Order 'in recognition that the Order provides powers to carry out limited activities beyond the Order limits'. Whilst the Applicant acknowledges that the approach is not precedented in other made solar DCOs, there is no reason why the principle established by the A303 Stonehenge correction order, is not applicable to an energy scheme like the Proposed Development. Two further Orders have been granted by the relevant Secretary of State with this same drafting approach; see Article 3 of The A122 (Lower Thames Crossing) Order 2025 and Article 3 of The London Luton Airport Expansion Development Consent Order 2025.

The definition of '*authorised development*' provided in article 2 does not only reference the works included at Schedule 1 to the draft DCO. It also refers to related activities as it sets out that: '*authorised development' means...and other development authorised by this Order*'. Therefore, the starting point is that this definition relates to land within and outside of the Order limits.

The Applicant has amended the EM [**D5.4**] to provide further detail regarding the definition of '*authorised development*'. In terms of whether work carried out under Articles 20, 21 and 42 would constitute "*development*" under the definition in the Town and Country Planning Act 1990, this would be determined on a case-by-case basis, but protective works would likely fall within that definition.

In terms of the specific wording in each of Articles 20, 21 and 42 which describes the land to which the power under the article relates. The Applicant has considered the wording in each article with reference to precedent and the ExA's request that the Applicant considers consistency between the wording of these articles. Taking each in turn:

- Article 20 – The Applicant has amended the wording in this article to refer to *'any building or structure located within the Order limits or which may be affected by the authorised development*' as these are the buildings which may otherwise suffer impacts from the authorised development if the undertaker cannot exercise its power under Article 20 to carry out protective works. Delineating the scope of Article 20 in another manner would be imprecise – for example, limiting Article 20 to only buildings within the Order limits would prevent the undertaker from carrying out protective works to buildings immediately adjacent to, but outside, the Order limits which may be affected by works being carried out within the Order limits.

  The Applicant would reinforce, as set out in response to Q11.0.3 in AREQ1 [**REP2-010**], that the Applicant does not anticipate any damage to buildings being likely and therefore any protective works being required to be undertaken. However, the article has been included on a precautionary basis to ensure that protective works could be undertaken if necessary. The power is included for the benefit of property owners to ensure the Applicant has the powers to take appropriate action to avoid or reduce any potential adverse impacts on land and buildings even where those are located outside the Order limits.

	The wording '*affected by the authorised development'* is also now consistent with the wording in Article 21 (see below). The Applicant acknowledges that the wording '*affected by the authorised development*' is not included in the equivalent article contained in other solar DCOs. However, it is included in many other made DCOs and the Applicant considers that, for the reasons set out above, this wording is necessary. The Applicant has amended the EM [**D5.4**] to provide further detail justifying this wording and referencing precedent. • Article 21 – '*any land shown within the Order limits or which may be affected by the authorised development*'. There is precedent for this wording in many made DCOs including Stonestreet and all the made solar DCOs to date. This wording is appropriate because it is land which may be *'affected'* by the authorised development that may need to be surveyed and/or investigated in order to inform the Proposed Development's environmental mitigation. The Applicant does not consider an amendment to the wording of Article 21 is necessary. Article 40 – '*any tree or shrub near the Order* limits'. Many made DCOs use the word *'near'* in an equivalent article including the follow made solar DCOs: Stonestreet, Byers Gill, The Oaklands Farm Solar Park Order 2025 ('Oaklands'), Heckington Fen, The West Burton Solar Project Order 2025 ('West Burton'), The Cottam Solar Project Order 2024 ('Cottam'), Sunnica, The Longfield Solar Farm Order 2023 ('Longfield'), The Little Crow Solar Park Order 2022 ('Little Crow'), Cleve Hill. The Applicant does not consider amendment to the wording of Article 40 is necessary. In the Applicant's view, the plain and ordinary meaning of the word applies. A reasonable judgement is capable of being formed of what, in any given case, constitutes a tree or shrub which is near the Order limits.
7	**Action:** *In relation to Article 5, Applicant to set out a list of exceptions contained within the Order.* **Applicant Response:** The power under Article 5 is constrained, through the definition of '*maintain*', by the proviso that maintenance works must not give rise to any materially new or materially different environmental effects in comparison with those reported in the Environmental Statement. There are other limitations on the exercise of specific powers in relation to maintenance contained in Articles 14, 19, 20, 21, 33, 34 and 42. Maintenance activities carried out by the Applicant will also be subject to relevant controls set out within the management plans which will be approved under Schedule 2 Requirements, for example the Operational Management Plan (OMP) and the Landscape and Ecological Management Plan (LEMP). Article 5 was included in the model provisions as article 3, and the wording is precedented in made DCOs including at article 4 of Stonestreet. The Applicant has amended the EM [**D5.4**] to detail this precedent.

8	**Action:** *Applicant to justify the exceptions in Article 8(3) (i.e. transfer without the Secretary of State's consent), in particular in relation to a transfer or grant to Electricity Northwest Limited.* **Applicant Response:** The Applicant's response to Q11.0.6 in AREQ1 [**REP2-010**], set out the three circumstances provided for in Article 8(3) in which the benefit of the Order may be transferred without the consent of the Secretary of State being required. Firstly, where the transferee (or lessee) is the holder of a licence under section 6 of the Electricity Act 1989 (Article 8(3)(a)). (Note the Applicant has made a correction to Article 8(3)(a) in the version of the dDCO submitted at deadline 5. Article 8(3)(a) previously referred to section 6(2) in error.) Secondly, a transfer to ENW in relation to Work Nos. 2 and 2A (Article 8(3)(b)) and thirdly, where the compensation provisions for the acquisition of rights or interests in land or for effects on land have been discharged or are no longer relevant (Article 8(3)(c)). The justification for the provisions in Article 8 is that in such cases, the transferee or lessee will either be of a similar financial and regulatory standing to the undertaker so as to protect the provision for compensation for rights or interests in land that are compulsorily acquired pursuant to the Order, or there are no outstanding actual or potential compulsory acquisition claims. The exceptions in Article 8(3)(a) and Article 8(3)(c) are included in every made solar DCO to date including Stonestreet Green Solar. In relation to the exception in Article 8(3)(b, this is required for the Proposed Development because, as set out in the Grid Connection Statement [**APP-176**], it may be that ENW is best placed to deal with those works and so this provision ensures that this transfer can take place expeditiously. It is appropriately restricted to the relevant works (Work Nos. 2 and 2A). ENW is an electricity licence holder under section 6 of the Electricity Act 1989, therefore, is of a similar financial and regulatory standing to the applicant. Examples of precedent for this approach include Article 7(30(a) of Stonestreet in respect of transfers to National Grid or UK Power Networks and article 8(4)(d) of Byers Gill in respect of transfers to Northern Powergrid Holding Company for the purposes of undertaking Work No. 3(b), 4, 5 and 6. The Applicant also notes that, in deciding whether to grant this DCO, the Secretary of State would effectively be approving a future possible transfer to ENW at that time. The Applicant highlights that Article 8(4) provides that where the consent of the Secretary of State is not needed, the undertaker must still notify the Secretary of State in writing prior to the transfer or grant of the benefit of the provisions of the Order.

9	**Action:** *With reference to precedent, Applicant to confirm whether any further amendment to the notification period within Article 8 is considered necessary.* **Applicant Response:** For the reasons set out in the Applicant's response to Q11.0.7 in AREQ1 [**REP2-010**], the Applicant does not consider any further amendment to the notification period in Article 8 is necessary. A notification period of 10 working days is consistent with the following made solar DCOs; Tillbridge, Byers Gill (where the SoS amended the period to 10 working days), Oaklands, East Yorkshire, West Burton, The Gate Burton Energy Park Order 2024 ('Gate Burton'). Heckington Fen, Sunnica, Mallard Pass, Little Crow include a period of 14 days which is effectively the same period as 10 working days. Only Stonestreet, Cottam, Longfield include a period of 14 business days. The Applicant maintains the view that this inclusion of this time period appears to be an error as it is an unusual period to specify given it does not equate to a full working week. The Applicant further notes that Cleve Hill includes notification period of only 5 days.
10	**Action:** *Applicant to justify why Article 12 is required for the Proposed Development. Explain the extent to which street works have been consulted on.* **Applicant Written Response:** The Applicant set out an explanation of Article 12, and rationale for its inclusion in the dDCO, in its responses Q11.0.10 in AREQ1 [**REP2-010**] and response to earlier hearing item 1(b) in ARISH-A [**REP3-015**]. Article 12 is seeking to regulate the position between the regime for street works as set out in the New Roads and Street Works Act 1991 and the street works powers in the DCO. If Article 12 was not included in the DCO, the Applicant would still be able to undertake the necessary works to streets. However, including Article 12 brings clarity to which provisions of the 1991 Act apply and do not apply. The Applicant would be undertaking the works under the specific authority granted by the DCO and subject to the further approvals required under the DCO. It would therefore not be appropriate for some provisions of the 1991 Act to apply. For example, sections 58 and 58A of the 1991 Act which give the power to the Council to impose moratoria on the carrying out of works for a period of several months. This could lead to significant delays for the Proposed Development. The Applicant acknowledges that other schemes including these provisions may not be directly comparable in terms of type and scale. However, the type of project (e.g. whether it's a highways or energy project) is not relevant as different project types can still include works to streets. The Applicant would also note there are energy DCOs which include these provisions, for example the Awel y Môr Offshore Wind Farm Order 2023.

	Furthermore, some of the dDCOs in respect of solar projects which have not yet been decided also currently include this article, for example, the Helios Renewable Energy Project and the Tween Bridge Solar Farm dDCOs. In terms of the scale of the works, the works to streets required for the Proposed Development are relatively minor and not '*major*' (under the usual definition). However, there may be works which could be considered as '*major highways works'* under the 1991 Act definition. The street works proposed as part of the application for the Proposed Development have been consulted on as part of the application as a whole. The Applicant undertook pre-application consultation including statutory consultation under the Planning Act 2008. Details of the consultation undertaken by the Applicant is set out in the Consultation Report [**APP-018**]. Furthermore, the public have the opportunity to comment on the application and engage with the ongoing examination process. The Applicant also notes that, as set out in the Applicant's response to hearing item 1(b) in ARISH-A [**REP3-015**], sub-paragraphs (8)-(11) of Article 12 relate to a local permit scheme made by the Council. Other made DCOs including, Tillbridge, contain these provisions. The Applicant has amended the definition of '*the permit scheme'* in Article 2 of the updated version of the dDCO submitted at Deadline 5 to reflect the latest version of the local permit scheme applying to the area.
11	**Action:** *Applicant to confirm the date to be added to Article 15(7).* **Applicant Response:** The Applicant has inserted the date the '*22 December 2025'* into Article 15(7) of the dDCO [**D5.3**]. This is the relevant deadline (Deadline 6) for submission of the final dDCO as set out in the as this is the Rule 8 – Notification of timetable for the Examination [**PD-006**]. The Applicant would have no reasonable opportunity to make appropriate provision within the dDCO for public rights of way added to the definitive map and statement on or after that date.
12	**Action:** *Applicant to identify which plan within the application shows roads within the Order Limits which could be subject to the power under Article 17.* **Applicant Response:** The private access tracks running across the site can be seen on the base mapping of the suite of plans submitted with the application (including the Work Plans [**APP-007**], the Land Plans [**AS-007**] and the Streets and Access plans [**AS-008**]. The access tracks are most clearly shown on the Location Plan [**APP-005**] and labelled as '*tracks*'.

13	**Action:** *Applicant to confirm the extent of the land within the Order Limits that Article 40 applies to and the relevance of the definition of 'operational land'. Explain which permitted development rights apply and the extent to which they could lead to significant environmental effects.* **Applicant Response:** As set out in the Applicant's response to previous agenda item 1(d) in ARISH-A [**REP3-015**], Article 40 has the effect that all land within the Order limits will be treated as '*operational land'* under section 264(3)(a) of the Town and Country Planning Act 1990 ('the TCPA'). The wording of Article 40 and section 264 of the TCPA has the effect that the land to which the DCO relates (i.e. the land within the Order limits) is to be treated as operation land, rather than the land having to meeting the definition of "operational land" within the TCPA. The wording in Article 40 is, '*Development consent granted by this Order is treated as specific planning permission for the purposes of section 264(3)(a)*.' This means that it is the development granted by the DCO that is to be treated as '*specific planning permission'*. Section 264(2) provides that land which falls within section 264(3) shall be treated as operational land for the purposes of the TCPA. Section 264(3)(a) of the 1990 Act states, '*(3) Land falls within this subsection if—(a) there is, or at some time has been, in force with respect to it a specific planning permission for its development...*'. Therefore, reading Article 40 of the dDCO and section 264(3) of the TCPA together the land within the Order limits is to be treated as operational land. The effect of this is to give the Applicant the permitted development rights afforded to a statutory undertaker if planning permission had been granted for the authorised development. Permitted development rights are set out in in Part 15 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 ('GPDO'). The permitted rights, as set out in Class B, are limited to minor works and are subject to the restrictions in Class B1. The scale and nature of development that the Applicant could undertake using permitted development rights, and the fact that it cannot undertake EIA development using permitted development rights, means that the type of development that may be undertaken is not development that would result in likely significant effects. The Applicant would note that Article 40 is a model provision and has been included in numerous made DCOs including all the made solar DCOs to date including Stonestreet.

14	**Action:** *Applicant to update Schedule 13 of the dDCO to reflect the latest versions of certified documents.* **Applicant Response:** The Applicant will update Schedule 13 in the final version of the dDCO to be submitted at Deadline 6. Schedule 13 will be updated to reflect the latest versions of all certified documents reflecting revisions to documents submitted during the course of the Examination. The Applicant intends to update Schedule 13 at Deadline 6, rather than at D5, because at that point the final revision numbers of certified documents will be known.
15	**Action:** *Applicant to confirm address for inspection of certified documents within the Explanatory Note.* **Applicant Response:** The Applicant has inserted the address for inspection of certified documents in the Explanatory Note in the version of the dDCO submitted at Deadline 5 [**D5.3**]. The address has been agreed with Cumberland Council. The Applicant has also amended the explanatory note to reflect which documents are necessary to be held for inspection, the Book of Reference and plans. This is consistent with the approach on other recently made solar DCOs including the Tillbridge, Byers Gill, Oaklands, East Yorkshire, Heckington Fen, West Burton, Cottam, Gate Burton, Sunnica and Mallard Pass. The entire suite of documents would be available on the Planning Inspectorate website for 5 years and would also be available on the Applicant's website.

3 Agenda Item 2 – Environmental Impact Assessment (EIA) and General Matters

Table 3.1: Applicant response EIA and General APs

No.	Applicant response to ISH actions
16	**Action:** *Check the Policy Compliance Document [APP-027] for consistency with the Planning Statement [AS-10].* **Applicant Response:** The Applicant has undertaken a review of the Policy Compliance Document (PCD) [**APP-027**] and Planning Statement (PS) [**AS-010**] to consider consistency in references to policy between these documents and in relation to the policies in the Council's Local Impact Report (LIR) [**REP2-058**]. Under Section 104 of the Planning Act 2008 (PA 2008) the Secretary of State (SoS) is directed to determine a DCO application with regard to the relevant National Policy Statement (NPS), the local impact report, matters prescribed in relation to the Proposed Development, and any other matters regarded by the SoS as important and relevant, which may include other national and local planning policy. The Applicant considers that the PS and PCD are intended to be complementary, not duplicating documents which include all the same content or which must comment on each local policy that could have some tangential relevance to the Proposed Development. The PCD is in tabular format and focuses primarily on the relevant NPS which are EN-1, EN-3, and EN-5. Its content on local policy is limited to a selection of the most relevant of the host authority (the Council) local plan. Local policy included in the PCD is that which is considered most relevant based on the Council's previous consultation responses and the Applicant's professional judgement. The PS sets out the overall case for the Proposed Development within a broad global and national climate change policy framework, and more granularly with respect to the local and national planning policies judged to be most relevant to the Proposed Development. The PS is a more discursive analysis and includes a broader range of policies including those of the National Planning Policy Framework (NPPF), the online Planning Practice Guidance (PPG), and policies of the (non-host authority) Lake District National Park Authority (LDNPA) and discusses them in relation to the outcomes of the Environmental Statement's (ES) assessments.

No.	Applicant response to ISH actions
	The Applicant anticipates that the PCD will likely be of interest primarily to the decision maker, but the PS can fulfil a broader function as one of the few application documents that is familiar and accessible for those interested parties more used to TCPA planning applications. It is also an opportunity to assess the Proposed Development in relation to policy, and not only an EIA framework. The analysis in PS section 6 endeavours to link the NPS policy included in the PCD with the NPPF and local policy across various environmental topics relevant to a planning balance. As described in the Applicant's Response to the Planning Inspectorates s51 advice [**AS-006**] the PS was updated prior to the start of the Examination due to a typo in a reference to the NPPF. No updates to the PCD were required, and there was no change to any of the content with a knock-on for the PCD which did not include NPPF policy. Within their LIR the Council listed several policies in the Allerdale Local Plan Part 1 (LPP1) which were not included in either the PS or PCD. The Applicant Response to the Local Impact Report (ARLIR) [**REP3-008**] considers these policies and sets out a justification for why they are not included in either the PCD or PS, or only included in the PS but not also the PCD. In response to EXQ2 Q2.3.3 [**REP4-030**] the Council was asked for feedback on the ARLIR and under a 'Planning Policy' header the Council advised, '*The Council notes the Applicant's response to the requirements of the relevant planning policies and accepts the conclusions made'*. Furthermore, the Applicant has agreed this position with the Council in the dSoCG [**REP4-015**] [**D5.18**] at CC.LPA which confirms: '*It is agreed that the Applicant has considered the full extent of policies within the LDP, as described within Cumberland Council's Local Development Scheme. The emerging Cumberland Local Plan is not sufficiently advanced for the Applicant to have regard to its policies. The Council confirms the application has had regard for the correct policies that will be relevant to their decision making as a consultee'.* Relevant local policy is also referred to within the topic-specific sections of the Cumberland Council SoCG. The Applicant has reviewed the PS and PCD for consistency and has also reviewed the policies referenced within the LIR which are not included within either the PCD or PCD and PS. The Applicant's position is that the most relevant policies to the Proposed Development have been considered and assessed, and does not consider that the inclusion of any of the policies dealt with only in the ARLIR would affect the assessment of planning balance within the PS. Similarly, it is not considered that the PCD needs to be updated, as the Council has confirmed satisfaction with consideration of local policy, and their inclusion is not considered necessary for the reasons in the affirmed ARLIR.

No.	Applicant response to ISH actions
18	**Action:** *Outline the broad terms of the Grid Connection Statement [APP-176] including the duration of the agreement.* **Applicant Response:** As explained in the Grid Connection Statement [**APP-176**] the Applicant accepted a grid connection offer (reference number 5500241249H) made by Electricity North West Limits (ENW) to carry out the electricity connection works to provide a connection to the ENW distribution network operator (DNO) grid. The grid connection agreement allows for an export capacity of 150MW. The Applicant initially secured a grid connection agreement from ENW for a point of connection within Area C in 2022. The Applicant received a further grid connection offer from ENW on the 27 January 2023 and then a revised offer on 19 October 2023, which was accepted on the 21 October 2023. A subsequent novation agreement was completed on the 26 July 2024. The current grid connection agreement is based on the updated offer accepted in October 2023 which superseded the previous agreement, to allow for the inclusion of the additional land north of Area C. The level of detail provided by the Applicant in relation to its Grid Connection Agreement is consistent with the level of detail provided by the vast majority of Solar DCO applicants. The Grid Connection Agreement comprises a number of documents including a Bilateral Embedded Generation Agreement (BEGA) and construction agreement, which govern how the grid connection works will be constructed, as well as the mechanics for the Proposed Development becoming operational. The agreement includes a construction longstop date of 30 October 2039. However, it is the Applicant's intention to undertake construction of the Proposed Development in accordance with the DCO application documents, and the Grid Connection Agreement does not prevent the Applicant from doing so. At present, pursuant to the recent National Energy System Operator (NESO) connection reform programme, the Applicant is awaiting a further revised connection offer; the Applicant is anticipating being able to undertake the construction works in accordance with the construction programme set out in the DCO application and then for the Proposed Development to become operational around the end of this decade.

19	**Action:** *Check whether any updates are required to the Consents and Agreement Position Statement [APP-025].* **Applicant Response:** The Applicant has reviewed the Consents and Agreements Position Statement (CAPS) [**APP-025**] and remains of the opinion that the relevant consents and powers required for the Proposed Development have been included, or addressed, in the dDCO [**REP2-004**][**D5.3**]. The CAPS also includes, at Appendix A, a list of permits, consents, and agreements that may need to be sought separately from the DCO as secondary consents. The Applicant's position remains that the permits and consents listed in the appendix are largely dependent on the requirements of the detailed design such that that they are not sufficiently developed at this stage to confirm the requirements, and so it is not practicable, or possible, to include them in the dDCO. It is made clear in the CAPS that the permits and consents listed are ones that may be required. This is, therefore, an indicative list only and it is entirely possible that a consent or permit that is not listed, may be required. As such, no updates are required.
20	**Action:** *ES Chapter 4 – Alternatives and Design Evolution [APP-035] – confirm if/how sites beyond the immediate locality and the Point of Connection (POC) were considered.* **Applicant Response:** From the Applicant's perspective, other sites beyond the Site in some other locality, would be an entirely different project, and not an alternative that could reasonably be considered within an assessment for the Proposed Development. However, there is an extent to which this position is relatively unique among solar DCOs. The Applicant has reviewed other solar DCOs to reinforce its responses during the Examination. A review of the 15 solar DCO projects relied on to inform a response to question Q2.2.1 in the AREQ2 [**REP4-004**], reveals that of these 15 projects[1] only one is not connected into the National Grid Transmission Network Operator (TNO) network. Every project in the list other than Little Crow has had a connection into the National Grid

[1] Projects reviewed include: EN010152 Fenwick Solar Farm, EN010149 Springwell Solar Farm, EN010143 East Yorkshire Solar Farm, EN010142 Tillbridge Solar Project, EN010140 Helios Renewable Energy Project, EN010139 Byers Gill Solar, EN010135 Stonestreet Green Solar, EN010133 Cottam Solar Project, EN010132 West Burton Solar Project, EN010127 Mallard Pass Solar Project, EN010123 Heckington Fen Solar Park, EN010122 Oaklands Farm Solar Park, EN010118 Longfield Solar Farm, EN010101 Little Crow Solar Park, and EN010085 Cleve Hill Solar Park.

and not the local Distribution Network Operator (DNO) network. There are no TNO substations <60 miles from the Site such that the type of flexibility that can be available for a transmission project is not available for renewable energy generation projects in this part of Cumbria.

The difference between DNO and TNO substation connections is highly relevant to site selection optioneering, at least before recent grid reform mechanisms which (as of 2025) have aligned the processes and tightened requirements for export capacity applicants. The overview provided below relates to the methodology applicable for the Proposed Development and every other made solar DCO with pre-2025 grid offers.

For a TNO connection an applicant applies for capacity at the NGET facility. And, once allocated, the applicant can look for land anywhere in what it considers reasonable viable proximity for land. This is why TNO-connection DCO schemes can appear to be multiple dispersed large sites rather than one main area, as there are no land selection restrictions for TNO projects and any land within reasonable proximity could form part of an overall site.

It is a very different scenario for DNO connected projects. For a DCO scheme it is not possible to apply for a grid connection offer without a Letter of Authority (LOA) from a willing landowner and a plan which identifies the land in that owner's holding. Once a grid offer is received and accepted, no land other than the land identified in that plan can be added to the scheme other than a percentage which may be up to, but not more than 50%, of the area in the plan submitted with the LOA. Additions are subject to agreement of the DNO which may impose a limit <50%, and any additional land must be land in an ownership adjoining the original grid connection application plan boundary.

This means that instead of identifying a TNO substation and then doing a selection/filtering process for any land within a particular radius after a grid connection offer is received, an applicant for a DNO scheme will look for areas of land with existing grid infrastructure and undertake a feasibility exercise to inform outreach to find a potential willing landowner. After that and depending on responses, an applicant makes an application for a grid connection in partnership with that owner. Once an offer is received and accepted there is not an option to consider some other land for the point of connection (POC). There is only the option to consider additional adjoining land in other ownership as supplemental to the original land holding to which the offer relates.

If the Applicant were to consider some other POC or land further afield it would only be for a different project, and not as a revision or alternative to the original scheme. The original offer would be lost, any new application would go to the back of the connection queue, and there would be no realistic potential of a project with a likely connection date as early as the likely date for the original offer.

There are advantages to both types of projects. A TNO scheme can typically be much larger, and an applicant has much more control over site selection optioneering for generating station infrastructure. A DNO scheme lacks this flexibility and will typically be much smaller but will typically

	avoid the impacts associated with connecting disparate parcels and an off-site grid connection, which can be disruptive and unpopular. It would be reasonable to say that a TNO scheme may have a higher threshold to justify the "why here?" question due to the additional site selection flexibility of TNO connected projects. The DCO application for the Proposed Development includes insight into how the Order Limits (and the areas of the Works therein) were determined and refined following a grid connection offer for land which included Area C. The selection of this as a suitable POC was based on pre grid-application planning feasibility assessment of this owner's landholding for suitability from a planning and land use perspective taking into account factors like landscape and ecological designations, agricultural land classification, transport/accessibility, flood risk, proximity to sensitive receptors, and other constraints/opportunities. Once this part of the future Site was established, further assessments refined the Applicant's knowledge and led to the expansion into adjoining land to the north. However, for reasons set out above, considering some other POC was not possible and considering other areas in the immediate or wider region would have been for a different project, not as a variation or alternative to this project. Details relating to the Site selection process are set out primarily in ES Chapter 4 – Alternatives and Design Evolution [**APP-035**], the Planning Statement [**AS-010**] in section 6 (particularly 6.3), and in the Design Approach Document [**APP-029**].
21	**Action:** *Consider any potential conflict between the Potato Pot Wind Farm with the Proposed Development, particularly with regard to works outside of the Wind Farm red line boundary.* **Applicant Response:** As per the Applicant's response to questions Q4.0.8 (with support also in Q1.0.4) in the AREQ1 [**REP2-010**] to Item 3(b) in the ARISH-A [**REP3-015**], Item 1(a) in the ARCAH-B [**REP3-016**], as well as in oral submissions at both the ISH and CAH, the Applicant has considered the Potato Pot Wind Farm (the Wind Farm) across the ES. Heads of Terms (HoT) have been agreed and signed with Vantage RE Limited (Vantage RE) as the Wind Farm owner/operator, with a written representation from Vantage RE to the Examination to confirm the position expected soon. The Applicant can confirm that through the engagement with Vantage RE the Applicant has been provided with "as-built" details of underground aspects which are not observable on-Site. Through the Applicant's review of these details and via the agreement established in the HoT, the Applicant is not aware of any Wind Farm infrastructure that could conflict with the Proposed Development either inside or outside of the RLB. The Applicant is confident, therefore, that the Proposed Development is deliverable on a Site which also hosts the Wind Farm. The Applicant considers that the Proposed Development can be implemented and maintained without compromising the interests of either the Dean Moor Solar

	Farm or the Potato Pot Wind Farm, that the Wind Farm can be maintained with the Proposed Development in-situ, and that the Proposed Development will not compromise or be compromised by the Wind Farm's decommission or the possibility of Wind Farm repowering.
22	**Action:** *On the Generic Quantitative Risk Assessment (GQRA) noted in the ARRR [REP1-002], confirm to what extent is this secured by a control document and agreed with the Environment Agency* **Applicant Response:** The Environment Agency (EA) Relevant Representation (RR) [**RR-017**] raises several matters related to the potential for contamination on the Site and how this is managed via the Outline Construction Environmental Management Plan (OCEMP) [**REP4-021**] [**D5.14**] at section 8 of the EA RR. This provides EA commentary in relation to ES Chapter 10 - Ground Conditions [**APP-041**] sections 10.4.30- 31 and 10.6.7, and the EA Appendix 10.1 – Phase 1 Ground Conditions Assessment [**APP-169**][**APP-170**]. The Applicant Response to Relevant Representations (ARRR) [**REP1-002**] in Table 3.1 (pages 42-43) respond to the contaminated land related matters raised by the EA RR. Therein, in response to the recommendation that further investigation is required for contaminated land risk as it relates to a potential off-Site secondary aquifer, the Applicant confirms that a Generic Quantitative Risk Assessment (GQRA) to be undertaken post-consent would include a review of the sensitivity of the secondary aquifers that may be relevant as receptors. This would be done as part of the Phase 2 (P2) Ground Conditions Assessment (which would include a Tier 2 GQRA), the requirement for which is secured by OCEMP section 11 – *Ground Conditions Management*. This section of the OCEMP sets out ground conditions assessments that will be relied on to inform the final CEMP and any required Risk Assessments and Method Statements (RAMS) associated with ground conditions risk management/mitigation. The OCEMP confirms that the ground investigations will '*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*.' P2 assessment and any subsequent assessments will accord with the guidance published by the Land Contamination Risk Management (LCRM) guidance published by the EA[2]. As established by 11.2.8 of the OCEMP: '*If the ground investigation, and subsequent interpretative assessment*

[2] Gov.UK, Environment Agency. 2025. LCRM: Stage 1 Risk Assessment.

	identify potential credible hazards to the identified receptors, then mitigation of the identified hazards would be required.' Paragraph 11.2.10 further identifies that any outcomes of the investigation and P2 assessments would inform the final CEMP, and any RAMS. Following the EA's RR and engagement with the EA during the Examination the Applicant has made updates to the OCEMP to secure the EA's agreement that it meets the standards and secures the mitigation in which the EA have an interest. This also included a revision to the dDCO at D2 [**REP2-004**] to add the EA as a named pre-application consultee on the DCO Requirement 4 CEMP. This was to provide the EA with certainty that the management measures of the CEMP were supported by necessary evidence as to risks for which RAMS are required, including adequate ground investigations into hazards including potential for contamination. EA feedback also led to expanded language for a more robust approach to contaminated land risk management in OCEMP section 11.2, as seen across the evolution of the EA dSoCG from D2-D4. The need for pre-construction contaminated land risk management is identified in ES Chapter 10 and the mitigation for these risks is secured via the OCEMP, with the EA to be a consultee on the final CEMP submitted for the Council's approval. The Applicant considers that the secured approach to contaminated land risk is agreed with the Council as the regulatory enforcing authority under the Environmental Protection Act 1990[3] Part 2A as per the Cumberland Council final SoCG [**REP4-015**] [**D5.18**] across rows CC.EHO.1 – CC.EHO.16 and particularly at CC.EHO.11 and EHO.15). The Applicant considers that all matters of interest to the EA are secured as per that final SoCG [**REP4-009**] [**D5.21**] particularly at EA13 which affirms the approach to management of contamination and pollution risk and EA18 on the management of unexpected contamination.
23	**Action:** *Explain how the decommissioning of the Proposed Development will be secured and whether a decommissioning fund or bond is required (consider in relation to the Funding Statement).* **Applicant Response:** Decommissioning of the Proposed Development is secured under Requirement 13 of the dDCO [**REP2-004**] [**D5.3**]. If the DCO is granted, this will be a binding and legally enforceable obligation. Furthermore, the Applicant has entered agreements for most of the Order land in the form of options for leases. Those leases, once entered, will require the Applicant to reinstate the land before handing it back to the landowners. The Applicant will be required to provide security to the landowners to ensure there are funds available for reinstatement.

[3] Environmental Protection Act 1990 c. 43

	The Applicant's Funding Statement [**APP-015**] demonstrates it has sufficient funds to construct, operate, and decommission the Proposed Development. As set out therein, the Proposed Development will be funded by a mix of equity and debt finance. Financial statements for ib vogt GmbH (IBV), the Applicant's majority shareholder, are appended to the Funding Statement and demonstrate its financial robustness. The Applicant does not consider a decommissioning fund or bond is required or appropriate. This approach is consistent with the Secretary of State's ('SoS') position on The Oaklands Farm Solar Park Order 2025 which had included a DCO Requirement 27 – Decommissioning Fund in that applicant's final draft DCO further to interested party requests. Following this Requirement 27 was removed by the SoS for the made Order. The SOS's decision letter[4] sets out that, *'the Secretary of State notes there is no policy requirement for a decommissioning fund to be imposed as paragraphs 2.10.146 to 2.10.151 of NPS EN-3 set out the considerations for the Secretary of State in relation to project lifetime and decommissioning of solar developments*'.(see paragraphs 4.21-4.45 of that letter for fuller analysis). During the ISH the ExA referred to a bond in the Stonestreet Green Solar Order 2025. The Applicant has reviewed this Order and notes the bond referred to is within protective provisions for National Grid Electricity Transmission PLC in relation to security for works affecting their apparatus. The Applicant also notes the Examining Authority on Stonestreet outlined, in its recommendation report to the SoS, the reasoning why a decommissioning fund Requirement was not required, citing the SoS decision on the Oaklands scheme and concluding, "*I find that an additional Requirement is not necessary noting that solar panels can be decommissioned relatively easily and cheaply, then this should not be a burdensome financial constraint on the overall viability of the project*." The Applicant considers the position is the same in respect of the decommissioning of the Proposed Development. The Applicant is not aware of any made solar DCO containing a requirement for a decommissioning fund.
24	**Action:** *Confirm the extent to which 'permitted preliminary works' have been considered for the ES assessment and the application as a whole.* **Applicant Written Response:** The ES has not scoped-in an assessment of pre-commencement works (as set out in the draft DCO [**REP2-004**][**D5.3**] as *'permitted preliminary works'*) because likely significant environmental effects in respect of those activities are not anticipated due to their scale, nature and duration. And, under the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, only likely significant environmental effects resulting from a proposed development are required to be considered, rather than all possible environmental effects.

[4] Department for Energy Security & Net Zero (2025) *Decision Letter: Application for Development Consent for the Oaklands Farm Solar Park* Accessed 24 November 2025

	Permitted preliminary works set out in the dDCO include works that are required for mitigation arising out of ES assessments, such as ground investigations and ecological surveys. The works listed are those which could be required to facilitate the surveys/ assessments which are required to inform the detailed design and associated management plans. These are pre-commencement works which will be controlled by the requirements of health and safety and environmental legislation and the parameters of any permits that may be required (e.g. from the Mining Remediation Authority for ground investigations proximate to historic mine shafts) but are outwith the Proposed Development's control documents which provide governance for and from commencement. The Applicant does not consider that there is anything about the Site or the Proposed Development which indicates a need for pre-commencement works which go beyond those which are regularly done as part of solar farm pre-commencement activities on Town and Country Planning Act solar farms, and which do not represent development for which planning consent is required. Indeed, many of the works are those which are or can be undertaken pre-application, including updating/repeat surveys undertaken in advance of this application. The Applicant considers it may be useful to provide some clarification as it is noted that ES Chapter 5 Construction and Decommissioning Methodology and Phasing [**APP-036**] and section 5.5 of ES Appendix 5.1 Outline Construction Environmental Management Plan (OCEMP) [**REP4-021**][**D5.14**] include references to Site establishment and enabling works. In this context those works are a part of the construction phase and can be undertaken concurrently with other construction activities. For example, construction phase enabling works could happen in a previously untouched field while post-enabling activities are being undertaken elsewhere, such that as part of construction and not pre-construction, they require OCEMP controls. During construction such works may also be, in-themselves, part of the OCEMP mitigation measures (e.g. the implementation of protective barriers for root protection areas) and therefore need setting out in the CEMP as part of the mitigation required to enable the more intensive works. As works during construction they are governed by the CEMP even if the activity in-isolation or in a limited quantity might not give rise to significant effects. These activities, when undertaken as pre-commencement works would not be to the same scale, nature and duration as during construction and therefore can be undertaken in advance of approval of the CEMP. The Applicant notes that the environmental assessments prepared in support of the recently consented Stonestreet Green, Tillbridge Solar, and Byers Gill DCO projects also do not explicitly scope-in an assessment of likely significant effects resulting from pre-commencement works. The scope of permitted preliminary works included in those DCOs is the same or similar to works in the Applicant's dDCO. Therefore, the Applicant's approach is consistent with these consented solar DCO projects.

25	**Action:** *Submit updated dSoCGs at Deadline 5 and provide written response giving a status update (pending signature, signed, or still under discussion matters) for each dSoCG.* **Applicant Written Response:** The Applicant is pleased to confirm that signed Statements of Common Ground (SoCG) have been agreed with all relevant Interested Parties. The Applicant can confirm that, for all SoCGs, the agreed language is unchanged from the pre-D5 dSoCGs except with Cumberland Council where agreement has been reached on two previously '*under discussion'* matters. The Applicant can also confirm that these SoCG establish that all matters are '*agreed*' and there are no matters in any final SoCG that will be put before the ExA as '*not agreed'*. Final SoCG are now in place with the following:

Interested Party	Status	Pre-D5 Ref	D5 Ref
Mining Remediation Authority	Final (signed)	REP2-017	D5.23
Lake District National Park Authority	Final (signed)	REP3-017	D5.24
Cumbria Wildlife Trust	Final (signed)	REP4-007	D5.25
Environment Agency	Final (signed)	REP4-009	D5.21
Natural England	Final (signed)	REP4-011	D5.20
National Highways	Final (signed)	REP4-013	D5.22
Historic England	Final (signed)	AS-012	D5.19
Cumberland Council	Final (signed)	REP4-015	D5.18

The Applicant does not anticipate that any of these final SoCG should require further engagement or revision in advance of D6.

4 Agenda Item 3 – Design

Table 4.1: Applicant response to ISH Design APs

No.	Applicant response to ISH actions
26	**Action:** *Applicant to review the Design Parameters Document (DPD) [APP-028] and consider the matters raised by the ExA in relation to local context / aesthetic considerations. Consider, and discuss with the Council whether any further changes can be made to refine in the DPD terms of aesthetics.* **Applicant Response:** The Applicant Response to EXQ1 (AREQ1) [**REP2-010**] for question Q3.0.2 and the Applicant Response to ISH Agenda Items Annex A (ARISH-A) [**REP3-015**] for Item 4(a) confirm the Applicant's position on this topic. These earlier responses explain how the functionality of the generating station and standard available equipment options are the drivers of external appearance, the experience of which can be mitigated or softened through good design choices for layout and landscaping. This response will not seek to repeat information already provided. The Applicant has, nevertheless, undertaken a further review of the Design Parameters Document (DPD) [**APP-028**] and reflected on comments by the ExA on elements in the DPD and the extent to which the DPD contributes to aesthetic considerations. As part of this process the Applicant has also engaged with the Council to consider whether there are opportunities to advance aesthetic interests in the DPD or by other means. The engagement with the Council is described in further detail below. Following this review and informed by engagement with the Council the Applicant considers that an update to the DPD is not necessary. **Purpose of the DPD** As set out in DPD section 1.1, its purpose is to describe the design parameters and Rochdale Envelope for the Proposed Development for the purpose of the Environmental Impact Assessment (EIA). The parameters of the DPD have relied on ES Chapter 3 – Site and Proposed Development [**APP-034**], ES Chapter 6 – Cultural Heritage [**REP2-027**], and ES Chapter 7 – Landscape and Visual Impact [**REP2-032**]. DPD parameters are secured by dDCO [**REP2-004**][**D5.3**] Requirement 3 – Design Details which requires the Council's approval of design outputs including layout, scale (i.e. elevation/section plans), and external appearance (i.e. materials and finishes). Requirement 3 mandates that:

No.	Applicant response to ISH actions
	(2) The details submitted must accord with the design parameters document unless it can be demonstrated to the satisfaction of the local planning authority that the subject matter of the approval sought would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement As per the DPD, what this means is that '*Following development consent, when the detailed design for the Proposed Development is submitted for approval by the Council, that design must be in accordance with the design parameters set out in this document*.' Being '*in accordance with*' does not mean that the details required for the Council are limited to those provided in the DPD, only that the DPD provides the framework/limits for the advanced details to be provided. It therefore ensures nothing worse than what is assessed in the EIA can be proposed, but it does not restrict/prevent outcomes which are better than the worst case. As per DPD paragraph 1.2.2: '*adopting the principle of the 'Rochdale Envelope'…ensures that the maximum parameters and realistic worst case have been assessed. Therefore, there can be confidence that the environmental effects of the detailed design relating to the parts of the Proposed Development secured by these parameters would be the same as, or no worse than, those assessed and reported in the ES.'* **<u>Opportunity for Change</u>** The parameters of the DPD have informed ES chapters and assessment outcomes. The Applicant has not identified opportunities to change outcomes with changes to the DPD, or a need to consider doing so at this stage. The 'Rochdale Envelope' approach is (per paragraph 1.1.3) '*necessary to achieve the technological and design flexibility required for the Proposed Development'* and all matters that were required to be fixed for ES assessment or adjusted based on initial assessment outcomes have been made where adjustment was possible. For details relating to the appearance of elements within Work No. 2, the details will depend on Electricity North West (ENW) and will be determined by their function, and electrical design/safety requirements based on electricity undertaker standards. Likewise, speaking to another example raised by the ExA, the suitability and preference for wooden pole mounted CCTV cameras vs some other material/finish should be a matter for detailed design as wooden options may not be sufficiently durable, and the Council may be inclined to agree that more robust metal which is powder coated dark green will blend in better with boundary vegetation. The Applicant consider that the appropriate stage for design refinement will be in the preparation of the Requirement 3 submission(s). The Applicant also notes that the design details are subject to the Council's approval; merely being in accordance does not mean the Council will accept a proposal if there is an alternative which is viable which is also within the parameters. For example, the Work No. 1 PCS Units container

No.	Applicant response to ISH actions
	finishes are limited by the DPD to '*white, grey, green, brown, blue'*. If the Applicant were to specify blue and the Council considered green would help the unit blend in more effectively, this refinement can occur as part of that review process. **Engagement with the Council** The Applicant has agreed the approach to good design with the Council, and this is recorded in the SoCG [**REP4-015**] [**D5.18**] at CC.LPA.9. Following the ISH the Applicant discussed the DPD and opportunities for design refinement at this stage. It was agreed that there was nothing in the DPD that the Council felt should be revised as this time as there would be opportunity through pre-application engagement and/or the Council's scrutiny the Requirement 3 submission(s) for the Council to provide input on granular design matters, which is an exercise that will be best served when fuller details are available than at the application stage. However, the Council did consider that the ExA had made a useful point on potential screening walls/barriers and inquired whether the DPD includes this option. The Applicant confirmed that Work No. 3 includes '*fencing, gates, boundary treatment and other means of enclosure'* as well as '*acoustic barriers*' which already allows for the option of barriers where they could aid the design/layout's visual effect mitigation. The Applicant also noted that the potential for visual barriers is also included as a temporary option for glint and glare (G&G) effects which, if required, would be implemented in construction and managed in accordance with the Outline Operational Management Plan (OOMP) [**REP4-019**]. The OOMP also provides for details of and maintenance of acoustic barriers which could have a dual noise and visual impact mitigation benefit. However, noting that the OOMP did not specifically refer to the possibility of permanent barriers, additional language (a bullet point at paragraph 3.2.1) to include details of the maintenance of temporary and permanent visual barriers has been added to the OOMP. This change was consulted on with the Council who confirmed that this suitably reinforced the use of such barriers as an option to supplement landscaping and layout mitigation. The updated OOMP is submitted at D5 [**D5.13**]. It was also agreed between the parties that, whilst this was a useful change, it did not require an update to the dSoCG as the Council's affirmation of the approach to good design remained as per CC.LPA.9. **Conclusion** The Applicant's position is that the DPD provides an appropriate amount of detail on design for the application stage for the DPD's primary purpose of informing the Rochdale Envelope for the ES assessment. It is considered, and agreed with the Council, that the DPD provide sufficient parameters for the

No.	Applicant response to ISH actions
	improved detail to be provided in association with DCO Requirement 3. It is not considered possible for more details to be provided at this stage, and the DPD allows for engagement on design refinement at a stage when the Council have enough detail to assess and make recommendations. To provide the ExA with assurances as to this approach the Applicant has reviewed the DPD against the equivalent documents from the recent consented Tillbridge Solar, Byers Gill, and Stonestreet Green Solar DCOs. • **Tillbridge –** The'*Outline Design Principles Statement'* [REP4-020 for that project] establish for'*solar stations*' (PCS unit equivalent), the finish will be '*ether shades of white, grey, or green painted finish'*. No aesthetic considerations such as colour or material are included for substation buildings other than dimensions and being of '*block construction'*. No aesthetic considerations are factored into the parameters for fencing other than *'deer fencing'* and '*metal security fencing'*, which aligns with the approach of the DPD, although the DPD goes further in limiting colours and finishes of metal fencing. No materials or colours are specified for the CCTV, only heights, which is less particular than the DPD which limits options. • **Stonestreet Green –** The '*Design Principles'* [REP5-018 for that project] for inverter and BESS containers confirms '*dark green or similar neutral colour'*. The specification for substation equipment is for '*intermediate substations'* which seem to be the equivalent of the Applicant's customer substation equipment, and this is specified only as a '*dark green or similar neutral colour'*. There are no parameters relating to the 132KV substation facility which is described in that project's ES. There are no parameters or design limits on colour or materials for security fencing or CCTV. • **Byers Gill** – The '*Design Approach Document'* [REP5-024 for that project] (section 8.3 '*Design Parameters'*) does not provide any significantly greater detail on aesthetics in relation to materials, boundary treatments, or fencing than the DPD other than very specifically limiting the inverters and battery containers to '*grey*'. No colour limitations are provided for storage containers, unlike in the DPD. For fencing it only specifies that it is '*likely to be a deer fence'* which is not an enforceable parameter and there are no limitations on colour/materials for CCTV cameras. For the grid connection infrastructure only sizes and no mention of colours, materials, or finish is provided The Applicant considers that the DPD has gone further than many other solar DCOs for their equivalent parameters to specify and limit visually affecting aspects of the design as much as possible in advance of detailed design, and that further consideration can be given to aesthetic qualities as part of the preparation to discharge DCO Requirement 3 alongside the consideration of the layout in relation to the Requirement 6 Landscape Ecology Plan (LEP).

5 Agenda Item 4 – Climate Change

Table 5.1: Applicant response to Climate Change APs

No.	Applicant response to ISH actions
27	**Action:** Submit the Lifecycle Carbon Assessment Technical Note in advance of Deadline 5 **Applicant Response:** The Applicant submitted the Carbon Emissions Lifecycle Assessment (CELA) Technical Note [**D5.27**] on 19 November 2025.

6 Agenda Item 5 – Cultural Heritage / Historic Environment

Table 6.1: Applicant response to Cultural Heritage / Historic Environment APs

No.	Applicant response to ISH actions
28	**Action:** *Explain in writing the gradient of harm on 'less than substantial harm' for the three key assets; the Stone Circle and Cairn, Wythemoor Sough, and English Lake District WHS* **Applicant Response:** This AP requests consideration of the level of *'less than substantial harm'* as an outcome of ES Chapter 6 – Cultural Heritage [**REP2-027**] and the ES Appendix 6.1 - Historic Environment Desk Based Assessment (HEBDA) [**REP2-030**]. The ExA has requested further insight into the judgement as it relates to three heritage assets identified on Figure 6.1 - Designated Heritage Receptors within 3km of the Order Limits [**REP2-029**]: • *Large irregular stone circle and a round cairn on Dean Moor* [**1014588]** (the 'Stone Circle & Cairn') - a Scheduled Monument (SM) on the southwest boundary of Area C. • *Wythemoor Sough and adjoining barn and stable* [**1327185**] ('Wythemoor Sough') - a Grade II Listed Building (LB) approximately 150m west/northwest of Area A. • *The English Lake District* **[1452615**] - a World Heritage Site (WHS) with designation boundaries aligned with those of the Lake District National Park (LDNP) which is, at its closest, approximately 2.3km east of the Site. **<u>Heritage Assessment Context</u>** Following an overview of relevant planning policy in the National Policy Statements (NPS) EN-1 and EN-3 and other policy and guidance for heritage assessments (section 6.2) ES Chapter 6 sets out its methodology in section 6.3. Further insight into assessment methodology is provided in the Cultural Heritage Technical Note [**REP2-057**]. As assessments provided in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, the methodology is an EIA assessment and not a policy-led assessment. However, Chapter 6 does offer some linkages (see paragraphs 6.2.9 – 6.2.10) between the EIA methodology and a methodology associated with the NPS and National Planning Policy Framework (NPPF).

No.	Applicant response to ISH actions
	A key distinction is that the EIA methodology is an assessment of the significance of effects whereas the assessments of heritage impact in national policy terms should reach conclusions and assess the level of harm using the NPPF and NPS-EN1 (part 5.6) categories of 'no harm', 'less than 'substantial harm', 'substantial harm', and 'total loss' of significance. As noted by the Applicant at the ISH, these different methodologies do not always dovetail neatly; a conclusion of 'less than substantial harm' in policy terms can be a reasonable judgement for a range of ES outcomes from negligible to significant adverse effects. There is no guidance from Historic England (HE) for national policy (such as the Online Planning Practice Guidance (PPG)), or in professional standards for heritage and/or EIA professions on marrying the concepts of significance within an EIA and the usage of the term as it relates to a planning policy judgement. **Less than Substantial Harm** There is no clear direction or guidance on making a judgement as to a "spectrum" or "gradient" of harm within the categories of harm, with HE guidance[5] leaving this to a matter of judgement for a decision-maker. However, it is acknowledged that in practice judgements are often offered by heritage assessments, consultees, and decision makers as to where an identified harm sits within a concluded category. Within the "less than substantial harm" category, scales may be used to indicate the extent of harm within that category. There is no formally agreed scale of this nature (as would be detailed in PPG for example). However, consultants can use professional judgement and the following scale for the assessment of less than substantial harm: low, moderate, high and very high. While there can always be arguments constructed for harm to a heritage asset, it is the role of the specialist to consider the impacts holistically, including different subjective viewpoints regarding the degree the setting of an asset (or indeed its other attributes), contribute to its significance. Therefore, it is appropriate to form an opinion of the 'worst case' scenario. This enables decisions makers to reach an appropriate threshold for the level of impact (and therefor harm). ES Chapter 6 – Cultural Heritage includes Table 6.8 '*Table of Significance – Residual Effects'* which provides a breakdown of the assessment of impact on the heritage assets in both EIA and NPPF/NPS terms.

[5] Historic England (2025) *Managing Significance in Decision-Taking in the Historic Environment* Accessed November 2025

No.	Applicant response to ISH actions
	The ES Chapter finds that for the three assets in question the level of harm is concluded to be '*less than substantial harm*,' but does not seek to go beyond this. The conclusions have been affirmed in the final SoCG with key interested parties including: • The Historic England SoCG [**AS-021**] [**D5.19**] confirms at HE.5 that there would be 'less than substantial harm' for the Stone Circle and Cairn and Wythemoor Slough and the same at HE.6 for the English Lake District WHS. • The Cumberland Council SoCG [**REP4-015**] [**D5.18**] confirms '*less than substantial harm to the designated heritage assets'* at CC.HE.2 and which is reinforced by the Council's Local Impact Report (LIR) [**REP2-058**] that the requirements of policy S27 – Heritage Assets '*are suitably met and accordingly, the Council views the impacts of the proposed development as having a neutral impact*.' • The LDNPA SoCG [**REP3-017**] [**D5.24**] confirms '*less than substantial harm'* to the WHS at LDNPA.5. This is reinforced in the LDNPA Rule 17 Response [**REP3-028**] which advises, '*As we have found a minor adverse visual effect over a 40 year period, we consider that, having regard to paragraph 215 of the NPPF, this translates into less than substantial harm to the WHS attribute of extraordinary beauty and harmony*. The LDNPA go on to provide insight into their conclusion on the spectrum of harm which is that, ' *Less than substantial harm can cover a wide range of changes short of substantial harm to or the total loss of the heritage asset. In this case the effect on the heritage asset as a whole is very low, as a result of the small portion of the Lake District that would be affected and the distance of the development from the boundary.* Notwithstanding this consensus, the Applicant has been asked provide information on what is behind the Applicant's judgements as reported in ES Chapter 6 Table 6.8. The following review is provided as insight into the Applicant's professional judgement outside of the ES assessment framework on the spectrum/gradient of harm within the '*less than substantial harm'* category. The Applicant can advise this is based only on the professional judgement of a heritage professional, without anything like a decision maker's balancing exercise weighed-in which might consider the benefits of the Proposed Development and its temporary nature and reversible effects. **Heritage Asset Review** ***Stone Circle and Cairn (a Scheduled Monument)*** The asset's significance is primarily derived from its archaeological interest as a Bronze Age monument with high evidential value. The monument is situated at the highest point of Dean Moor with wide views across the Site and towards the Lake District WHS. The introduction of infrastructure would change the rural character of wider setting of the monument to the north. There would be no direct impact on the monument nor change to its immediate setting arising from the Proposed Development.

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	The introduction of the infrastructure would change the rural character of the wider setting of the receptor. However, the new built elements of the Proposed Development would be set at a distance from the receptor (which will be at a higher elevation to the Proposed Development), and long-distance sight lines form the point of high elevation would not be impacted by the Proposed Development. The Proposed Development includes an extensive area of Work No. 6 – Green Infrastructure as buffer surrounding the Stone Circle to protect the immediate setting of the monument. The landscape buffer will function as a way of channelling views from the monument towards the hills of the Lake District by creating a green corridor at the edge of the Proposed Development. There will however be some long-distance views towards the Proposed Development because of the monument's elevated position at the highest point of Dean Moor. It is, however, considered that the landscape in which the monument was originally erected has already been dramatically altered over time with the inclusion of plantation woodland belts, open cast mines, the Wind Farm, distant group of turbines, pylons and built form, which has to some extent eroded the monument's original significance and setting. The presence of the Proposed Development will change views from the monument to the north, but this will not alter the major characteristics of the setting. It is also considered the archaeological interest can still be appreciated from within the centre of the Stone Circle. There will be change to the wider setting of the receptor with no change to the archaeological interest inherent within the receptor itself. **Conclusion: The Proposed Development will result in Less than Substantial harm (moderate level) on the significance of the Stone Circle and Cairn Schedule Monument via a change to its wider rural setting.** ***Wythemoor Sough (Grade II Listed Building)*** The significance of Wythemoor Sough is its historical use as a late 18th century farmhouse within the Cumbrian landscape. The receptor exhibits a vernacular architectural style representing the long agrarian history of the area. The receptor is situated approximately 150m from the Site boundary. The farmhouse has extensive views of Dean Moor due to the topography with the farmhouse situated on a slope which falls away towards Dean Moor. Landscape mitigation via a Work No. 6 buffer is secured by the Work Plans [**APP-007**] and the indicative Landscape Strategy Plan (LSP) [**REP2-046**] Site which provides an offset from the more immediate setting of the asset along with new structural planting that will reinforce and link up with an existing immature tree/scrub corridor along the western boundary of Area A. The views from the rear of the property looking over the Site will be affected by the scale of the Proposed Development. Although the Proposed Development will be low level infrastructure which reduces long distance views, there will be change to the characteristics of the receptor setting,

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	changing the rural open nature of the landscape. It is however considered that the mitigation and enhancements to be provided in Work No. 6 would go some way to help to reduce the effects (harm to setting) caused by the Proposed Development in a policy-led judgement. Further, the wider landscape in which the Proposed Development sits has experienced notable change since the farmhouse's construction with the large-scale mining which occurred during the 1990s and the addition of turbines within the area which has also altered the rural characteristics of the landscape. Overall, there will be change to the wider setting of the receptor which will have an effect on the receptor's significance. **Conclusion: The Proposed Development will result in Less than Substantial harm (moderate level) on the significance of the Grade II Listed Wythemoor Sough and Adjoining barn and stable via a change to its wider rural setting.** ***The English Lake District World Heritage Site (WHS)*** It is the Applicant's understanding based on the ISH that the ExA was satisfied by the explanation provided by the Applicant as to how conclusions were reached for the 'less than substantial harm' conclusion for the WHS. UNESCO stated Outstanding Universal Value (OUV) is defined by criterion (ii), (v) and (vi)[6], and this sets out the significance of the English Lake District into three elements including; the beauty of the landscape, the land use, and ideas associated with the WHS. The archaeological, historic, and artistic interest defines the significance of these elements. The Proposed Development will result in a change to the wider landscape setting of the WHS which will marginally affect views looking west from high points within the WHS against a backdrop of the industrial development of Workington which represents limited locations and a small part of a much larger setting. It is therefore considered that the impact would fall within the category of 'negligible' change in terms of the scale or severity of change. The authenticity and integrity of the WHS would be preserved as the Proposed Development would not affect the prominence of the elements which form the OUV of the WHS. **Conclusion: The Proposed Development will result in Less than Substantial harm (low level) on the significance of The English Lake District World Heritage Site via a change to its wider rural setting.**

[6] UNESCO (2017) *OUV of The English Lake District* Accessed November 2025

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	Consultation The Applicant's preparation for this written submission was informed by engagement with Historic England on the approach to addressing the AP and the conclusions. While there was some discussion of whether the level of less than substantial harm should be moderate or low (having determined not to 'lower moderate' or 'higher-low' sub-gradients), particularly for Wythemoor Sough, it was agreed from the offset that the level of less than substantial harm is not at the higher end of the spectrum for any of these assets. The content of the above reviews and the judgements offered by the Applicant were provided to HE who responded advise that they concur with the identified levels of substantial harm and have no other comments. The Applicant discussed the HE engagement with the Council who confirmed that they would defer to HE on this matter. Neither the Council nor HE felt it was necessary to revise the SoCG, which are now final with both parties, to accommodate any outcomes associated with this WS.
29	**Hearing Item:** *Explain how mitigation has been considered within the assessment for the Stone Circle and Round Cairn and Wythemoor Sough, and consider the extent to which effects could be further reduced.* **Applicant Response:** This AP requests the Applicant to set out how mitigation has been considered for two the two following designated heritage assets identified on Figure 6.1 - Designated Heritage Receptors within 3km of the Order Limits [**REP2-029**]: • *Large irregular stone circle and a round cairn on Dean Moor* [**1014588]** (the 'Stone Circle & Cairn') - a Scheduled Monument (SM) on the southwest boundary of Area C • *Wythemoor Sough and adjoining barn and stable* [**1327185**] ('Wythemoor Sough') - a Grade II Listed Building (LB) approximately 150m west/northwest of Area A. **How Mitigation is Considered** As set out in the Design Approach Document (DAD) [**APP-029**] the Applicant's multidisciplinary approach meant that consideration of heritage and landscape effects, which are often intertwined when heritage impacts are limited to setting, were highly influential, not just on parameters (extents of development) within the Site but for the site selection process. As such, consideration of mitigation for these disciplines is embedded into the

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	Order limits which is considered to be an area of land capable of hosting a 150MW renewable energy generating station with sufficient room within the Site to enable mitigation to be embedded into the parameters secured by the dDCO [**D5.3**]. Determining requirements for embedded mitigation measures are part of an iterative EIA process, and cultural heritage interests have played a key influencing role for determining mitigation to be provided. This is to be delivered primarily through: • The Design Parameters Document (DPD) [**APP-028**] parameters which dictate matters affecting appearance such as maximum heights, footprints, materials, and finishes of buildings and structures. Compliance with these parameters is secured by DCO Requirement 3, though without limiting the extent to which further design refinement can occur post-consent (see AP26) • It has also factored heavily into the determination of the layout and extents of the Work Areas (per the Work Plans [**APP-007**]) which define the maximum extents of where infrastructure may be located such as Work No. 1 Solar PV Arrays and Work No. 2 Grid Connection Infrastructure. It has also influenced the minimum area for Work No. 6 - Green Infrastructure which provides exclusion/buffer areas and locations for planting (Work No. 3 which overlaps with Work No. 1 also includes green infrastructure, hence the reference to Work No. 6 as a minimum and not maximum area for new landscape features). • The content of control documents which describe where/how mitigation such as landscaping would be implemented and maintained while also providing restrictions on what can or cannot be done in particular locations, or how work needs to be done in sensitive locations to protect features relied on for screening (e.g. existing hedgerows and trees). Mitigation of impacts and harm (on the setting of designated heritage receptors) has been considered as part of the assessment of cultural heritage effects as set out in ES Chapter 6 – Cultural Heritage [**REP2-026**] and associated appendices including the Appendix 6.1 Historic Environment Desk Based Assessment (HEDBA) [**REP2-030**]. Particular embedded mitigation measures for the Proposed Development as-a-whole, which benefit the identified assets include: • Retention of existing Site perimeter and internal boundary vegetation and woodland blocks, with these features to be protected during construction as per the Appendix 5.1 Outline Construction Environmental Management Plan (OCEMP) [**REP4-021**] [**D5.14**] and then enhanced and maintained in accordance with the Appendix 7.7: Outline Landscape and Ecological Management Plan ('OLEMP') [**APP-145**] [**D5.13**]; • Careful siting of infrastructure as secured by the Work Plans that minimise visual intrusion through the dedication of parts of the Site to Work No. 6 were the exclusion of generating station infrastructure is necessary or beneficial for impact mitigation.

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	• The introduction of significant new planting as outlined in the Landscape Strategy Plan (LSP) (Figure 7.6.1-7.6.5) [**REP2-046**] to be implemented and maintained in accordance with the OLEMP. New planting and the proposed management regimes will provide visual screening for immediate and middle-distance views, break up middle- and long-distance views, and create green visual channels to maintain aspects of the existing character and prevent views being dominated by new infrastructure. **Asset-Specific Mitigation Approach** Regarding the identified heritage assets, mitigation which has been considered specifically for these assets is discussed below. This is followed by discussion of the Applicant's consideration of opportunities for further mitigation / potential to reduce effects. The consideration of a requirement for, or the desirability of, further reduction of effects has taken into account the outcomes of the Es Chapter 6 assessment, including the findings of '*less than substantial harm'* to these designated assets, which have been affirmed by Historic England and the Council. (see AP 28). While requirements for embedded mitigation are informed by the EIA (e.g. ES Chapter 6 – Cultural Heritage and ES Chapter 7 – Landscape and Visual Impact [**REP2-032**] outcomes, the judgements on further mitigation opportunities and the extent to which they have been considered as reasonable options are based on professional judgement that also accounts for the significant public benefits of the Proposed Development as 'Critical National Priority' infrastructure. ***Stone Circle and Cairn*** **Current Mitigation**: Embedded mitigation measures are delivered primarily through the exclusion of built features from a large area around the Stone Circle and Cairn alongside the protection of existing landscape features and the new green infrastructure enhancements, particularly within the Dean Moor escarpment in proximity to the SM to facilitate the visual separation of the receptor from the Proposed Development at lower levels. This will be complemented by further afield planting proposals which can help to break up middle- and long-distance views where the generating station equipment is within the viewscape. The Applicant notes that the measures to avoid and minimise effects on the Stone Circle and Cairn have multifunctional benefits for reducing impacts on the English Lake District World Heritage Site (WHS) while maintaining open (undeveloped) lines of sight between the Stone Circle and Cairn and LDNP/WHS. Additional mitigation is also provided by the provision of a new permissive path, signage, and information boards to enable to public to experience the presently inaccessible asset. While it is acknowledged that the presence of the generating station will have harm that cannot be mitigated, the Applicant as sought to balance this with the provision of a benefit (acknowledged as such by Historic England in the SoCG [**D5.19**] at HE.4).

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	Potential to Reduce Effects: Further mitigation such as additional landscape screening is unlikely to be viable because of the elevated position of the SM. The only way to completely screen the SM would be for dense woodland planting in/around its immediate proximity which would have a much more adverse effect through an unnatural enclosure which would prevent open views and undermine the significance derived from the SMs relationship with the wider landscape. The current effect is one judged to be 'less than substantial harm' at a moderate level. Because of how the asset's significance is judged to be derived from its relationship to the wider landscape (some aspects of which are not affected), it is not considered that the moderate level of less than substantial harm could be further reduced without the loss of large areas of Work No. 1 from Areas A and C which would render the Proposed Development unviable. ***Wythemoor Sough and Adjoining Barn and Stable*** **Current Mitigation**: Mitigation is embedded through the Work No 6 exclusion area to the north and west of Area A along with proposals for the retention of existing landscaping along with new landscaping to be delivered within Work No. 6. Current worst case assessments (not taking into account the Applicant's opportunities for continued consideration of sensitive siting of equipment or lower-impact options as part of detailed design) determine effects to be 'less than substantial harm' at a moderate level within that band. **Potential to Reduce Effects**: Further mitigation (the removal of solar infrastructure and Area A) could conceivably further reduce the level of less than substantial harm from moderate to low (noting that moderate is the outcome based on the ES worst-case parameter approach) harm by reducing the visual change in views out from the asset towards the Proposed Development. However, to entirely avoid impacts on the open rural views, due to the prominent position of the dwelling, and the topography of the Site, solar arrays would have would have to be removed from most of Area A, and parts of Area B and C. The Applicant also considers that the current proposals in the LSP have maximised the extent of landscape screening potential in this location. For the topographical reasons described above, increasing the depth of landscape planting would not further reduce the benefit of screening beyond the area of screening already provided. **<u>Applicant Position on Mitigation</u>** The Applicant considers that it is not possible to consider ways to minimise effects further at this stage, but that this opportunity will present itself as part of the detailed design, particularly in association with DCO Requirement 3 – Design Details, Requirement 5 - Landscape Ecology Plan, and Requirement 6 – Landscape Ecology Management Plan. As per the Applicant's response to AP26, the current parameters are a worst-case

No.	Applicant response to ISH actions
	but do not prevent a better case being realised post consent. At the same time the Applicant considers that sufficient mitigation has been provided for even a worst-case scenario to be acceptable, when balancing the less than substantial harm with the significant public benefits of the scheme. The Applicant considers the only way to avoid harm is a do-nothing scenario, and the only way to reduce effects on either or both of these assets from a moderate to low level of less than substantial harm would require a substantial loss of renewable energy generation capacity that is disproportionate to any benefit to the heritage asset from such a loss, and which would effectively render the scheme undeliverable. The Applicant has acknowledged that effects could be further reduced by removing solar infrastructure from parts of the Site for complete removal or to allow for additional screening/planting to be introduced. However, it is the Applicant's view that it is not possible to consider this without compromising the deliverability of the Proposed Development as a 150MW generating station, the primary purpose of which is *to generate clean renewable energy to contribute to the urgent need to decarbonise the UK's energy supply.*

7 Agenda Item 6 – Landscape and Visual

Table 7.1: Applicant response to Landscape and visual APs

No.	Applicant Response to ISH Actions
30	**Action:** *Submit a revised version of the Schedule of Landscape Effects [APP-120], with a correction to the description of magnitude for LCT 9a* **Applicant Response:** The ES Appendix 7.2 - Schedule of Landscape Effects [**APP-120**] (as superseded by **D5.15**) has been updated and submitted at D5 at to correct typographical error relevant to the description of magnitude for LCT 9a. The description in the Schedule of Landscape Effects is now aligned with paragraph 7.5.24 of ES Chapter 7 – Landscape and Visual [**REP2-032**] to correctly describe the magnitude as slight adverse as opposed to moderate adverse.
31	**Action:** *Provide Ms Carling with details of the distances between their property and the solar PV infrastructure (Work No. 1) and the landscaping in advance of D5. Provide a WS at D5 with the details provided* **Applicant Response:** The Site borders and forms the northern and western boundary of an approximately 2.1-acre (a) plot at the southeast corner of Area C. It includes the [redacted] residential property (house and garden) and commercial buildings and land associated with the Fulton's Land Rover business. The Applicant notes that the owner's title also extends south of the Dean Cross Road which forms the southern boundary of the plot which is bordered by the Site to the west and north. This AP required the Applicant to provide details to the owners/residents of the combined commercial and residential plot based on their requests at the ISH. At the ISH Ms. Carling (an owner/resident of that plot) queried the distance from the property to Work No. 1 – Solar PV Infrastructure and landscaping in Work No 6 – Green Infrastructure. For the purpose of the response, based on Ms. Carlings oral submissions, the Applicant assumed the request was for the distances associated with the part of their property to the north of Dean Cross Road. Based on Ms. Carling's oral submissions the Applicant also assumed that Ms. Carling is interested in landscape structural features like trees and hedgerows, noting that otherwise the property is surrounded by Work No. 6 such that 'landscaping', which includes grassland, is immediately adjoining.

No.	Applicant Response to ISH Actions
	On 21 November 2025 the Applicant sent a letter to Ms. Carling and Mr. Fulton (the latter of whom represented the property at the OFH). The letter was accompanied by an annotated figure based on the elements in the Landscape Strategy Plan (LSP) [**REP2-046**] and the parameters (extent/location) of Work No. 1 as per the Work Plans [**APP-007**]. The letter set out some of the background to a table which included distances to the solar PV arrays and landscape features on the LSP. This included what the Applicant considered could be helpful context, such as the extent to which distances are fixed (e.g. the maximum extent of Work No. 1 in relation to the plot) and those which are indicative and subject to change (e.g. the exact locations of landscape features in Work No. 6). In the letter the Applicant sought to explain the distances selected, having provided distances from the property boundary, as well as distances from the residential property therein. In doing so the Applicant provided distances from the garden of [redacted], noting this curtilage extends further north and east than the physical dwellinghouse itself, and is thus closer to the Site for more conservative measurements. The Applicant acknowledges that it had to rely on professional judgement in selecting locations for distance measurements. The Applicant provided a selection of distances (as visualised on a corresponding figure) based on an assumption that Ms. Carling and Mr. Fulton are interested in potential impacts associated with equipment distance (like noise) and visual impact associated with the equipment and new landscaping. The letter advised that if the Applicant's approach did not meet their expectations, or if they felt additional information or discussion of the information would be useful, the Applicant would be happy to arrange a meeting. Ms. Carling and Mr. Fulton have confirmed receipt. A copy of the letter and figure sent by email is provided at Appendix B in accordance with the ExA request for this AP.
32	**Hearing Item:** *Provide insight into how the removal of the BESS following PEIR may have enabled other design considerations, particularly in relation to nearby residential properties* **Applicant Response:** The Applicant's Preliminary Environmental Information Report (PEIR) relied on for the s42 Statutory Consultation, the Proposed Development included a Battery Energy Storage System (BESS) facility to be located in a part of Area C which was visualised in a 'Concept Layout' as PEIR Figure 3., which is the PEIR equivalent of the application's ES Figure 3.4 Parameter Plan [**APP-049**].

No.	Applicant Response to ISH Actions
	A version of the PEIR Concept Layout is provided in **Appendix C** and is included in the Design Approach Document (DAD) [**APP-029**] as figure 5.2 (page 31) in a section on Site/design evolution. Discussion of BESS removal is provided in DAD paragraphs 5.4.22 – 5.4.25. At the time of the PEIR there was no equivalent of the Work Plans [**APP-007**] or the Design Parameters Document (DPD) [**APP-028**] which details parameters relevant to each work. However, the Concept Layout did include a defined area in which a concentrated BESS facility could be located (hatched in yellow on the plan), although not because the BESS would require that entire area. The yellow area was based on the outcomes of the Preliminary Noise Impact Assessment which determined where a 100MW BESS facility including 40 containerised battery units +10 PCS units could be located without giving rise to significant adverse noise effects and bore no relation to the potential footprint of a BESS facility. In advance of the DPD there was no parameter which defined the maximum extent of a 50 container BESS facility in the way the DPD currently limits the Work No. 2 Grid Connection Infrastructure to 1.2ha within the 8.95ha area of Work No. 2. However, PEIR Chapter 3 included Table 3.1 which provided parameters for the containers. Based on that table each of the 40 x battery containers could have had a footprint of 29.28m^2 (total of 1,171.2 m^2) and each of the 10 x PCS units could have a footprint of 14.64 m^2 (total of 146.4 m^2). The footprint of the 50 units could be up to 1317.6 m^2 which is 0.33 acres (a) / 0.13 hectares (ha). However, space is also required between units in a concentrated BESS facility. Based on the Applicant's experience with other BESS projects considers it reasonable to estimate a 100MW BESS facility requires an area of around 0.75ha for the units themselves and spacing between units. PEIR Chapter 3 also noted that BESS could be provided as dispersed units across the Site and not concentrated into a compound, but the compound option was assessed due to this option having more potential for significant environmental effects. However, if a dispersed option was required, the BESS could have been included as part of Work No. 1 with a land take of BESS equivalent to the footprint of the units. Without Work Plans and defined Works, there is no PEIR equivalent of Work No 6 which can be measured. However, the Concept Layout does indicate the extent of land where new infrastructure equivalent to what is now Work No. 1 – Solar PV Infrastructure could be located. The restriction on PV included a green buffer 'arc' around the plot. The arc itself is not continuous as it ends at a green buffer provided along the Site boundaries, as does the revised (extended) arc. The original arc can be measured/estimated by extending the arc contour to the Site edges. As a visual aid to this response the following images are extracts from the PEIR Concept Layout (left), Parameter Plan (centre) and Landscape Strategy Plan (LSP) [**REP2-046**]. LSP (right). The part of the plot considered to be distinctly residential is outlined in red on the adjacent image.

No.	Applicant Response to ISH Actions

During the Statutory Consultation the Applicant met with Ms. Carling and Mr. Fulton at their property to discuss the proposals. At that meeting they expressed concern about the proximity of the development (now defined as Work No. 1) to their property. Using the Concept Layout and pointing out features from their boundary they requested the Applicant pull back from the north to a land contour north of an existing access which they advised would be a suitable boundary, especially if landscaping were provided to help screen the infrastructure sitting beyond the contour.

As discussed in the DAD, following the PEIR refinements were made to the scheme which included the removal of a potential BESS facility and a substantial extension of the buffer arc to the north of the plot. The PEIR's environmental assessment outcomes had not indicated that such an extensive setback would be necessary for the avoidance of significant effects. This is because the of where the more sensitive residential property is located within the plot, the dwelling's lack of upper-floor north facing windows, restricted lower-level northern views due to commercial buildings, and restricted views west due to landscaping

Despite this Applicant considered it would be reasonable to accommodate the request so that the residents would not feel overly surrounded due to the proximity of infrastructure regardless of the intervening non-residential features, because the Applicant did not question the claim that setting of their garage was a quality appreciated by their customers, and because it was felt that making the concession would demonstrate the Applicant's commitment to being a good neighbour and being receptive to community feedback.

No.	Applicant Response to ISH Actions
	This was not the only change made following the PEIR that pulled back the proximity of generating station equipment to residential properties, as other parts of the Site were removed from the Order Limits or what would become Work No. 1, and additional mitigation (screening) was introduced in targeted locations, particularly for the properties to the north west of Area A. None of the removals or setbacks were directly a result of the Applicant considering more land could be available for setbacks due to the removal of BESS, as the land that would have been required for a BESS facility was minimal, particularly if only considering the footprint of the containers themselves (0.33a / 0.13ha). The Applicant also notes that BESS equipment could have been located in areas of the Site not suitable for solar PV arrays such as areas affected by shading. Therefore, the removal of BESS did not materially increase the area for Work No. 1 with a knock-on for potential exclusions. Instead, the PEIR assessed a worst-case scenario and based on the outcomes of the PEIR increased buffers were provided where required for mitigation, This was based on the ES assessments and consultation responses, including where possible for reasons relating to the Applicant's values as a developer, as with the extended extensive setback north of the Fulton-Carling property. The Applicant can confirm that the undeveloped arc around the plot in the south east corner of Area C had an area of approximately 2.09a / 0.85ha in the PEIR Concept Layout, and it has an area of approximately 6.12a / 2.48ha in the application plans proposed to be secured by the DCO. The removal of BESS would have added between 0.13 – 0.75ha additional land but not necessarily enabling additional solar capacity as BESS can be suitable in shaded areas where solar is not. Additionally, the Order Limits (total Site Area) at the PEIR was 279.50ha whereas the Order Limits for the DCO application are 276.5ha.

8 Agenda Item 7 – Biodiversity

Table 8.1: Applicant response to Biodiversity APs

No.	Applicant response to ISH actions
33	**Action**: *Applicant to respond in writing to set out the implications for the Proposed Development if the County Wildlife Site (CWS) was completely avoided (i.e. a scenario where the Proposed Development is brought forwards, but the CWS is avoided).* **Applicant Response:** **The CWS Within the Site** The Dean Moor County Wildlife Site (CWS) is identified in the Combined Constraints Plan [**APP-072**] and the Non-Statutory Sites and Notable Habitats Plan [**APP-090**]. A figure in Appendix D of the Applicant Response to the EXQ1 (AREQ1) [**REP2-011**] shows the CWS extents overlaid with the Parameter Plan [**APP-049**]. The Applicant notes that the CWS extends beyond the Site and has an area of 104ha, of which 58.21ha (56%) is within the Site. Of this, 46.8ha is within Work No. 6 – Green Infrastructure and 11.84ha which includes Work Nos. 1 & 3. For justification for the CWS within the Site the Applicant refers the ExA to ES Chapter 4 – Alternatives and Design Evolution [**APP-035**], the Design Approach Document (DAD) [**APP-029**] (sections 5.4 and 6.5), the Planning Statement (PS) [**AS-010**] (particularly sections 6.3 and 6.7), the AREQ1 [**REP2-010**] for Q1.0.13, and the AREQ2 [**REP4-004**] for Q2.2.2 under the '*land use efficiency*' header which states: '*The Applicant must be satisfied that the Proposed Development is deliverable, and therefore flexibility is incorporated into the parameters to account for the known-unknowns associated with further studies such as geotechnical surveys, ground investigations into potential mine shafts, and other studies which could reduce the extent of solar arrays within Work No.1. Therefore, some land is included within Work No. 1 where exclusions may be preferred (e.g. 11.84ha of overlap between Work No. 1 and the CWS) but where this cannot be considered due to the need to have sufficient land to cope with potential for exclusions which could compromise the ability to deliver the export capacity allowed by the ENW connection agreement.*' Proposals within Work No. 6 to the south of the Site (which partly includes the CWS) provide important mitigation for the generating station infrastructure and for BNG delivery and the meaningful ecological enhancements expected by the NPS (e.g. EN-3 at 2.10.89.

No.	Applicant response to ISH actions
	Overlap of the CWS with Work Nos. 1 & 3 The Applicant's understanding of this AP is that it relates to the small portion (11.84ha) of the CWS (referred to herein as 'the overlap area' which is within the Site and includes Work No. 1 – Solar PV Infrastructure (solar arrays and PCS units) and Work No. 3, which is for other associated infrastructure such as underground cabling, perimeter fencing, and access tracks, but also includes green infrastructure and landscaping. The Applicant assumes the AP is not intending to inquire into the remaining 46.84ha within the Site which is in Work No. 6 – Green Infrastructure as the inclusion of land without generating station infrastructure for landscape and biodiversity enhancement is precedented in all solar farm DCOs. The Applicant interprets this AP as requesting insight into a scenario for the overlap area which is not a binary choice between a do-nothing scenario or as-is Work Plans [**APP-007**] which include the overlap area. While the Applicant understands the interest in this topic, it is not proposing to speculate on the myriad variations that could be available to the Applicant as outcomes of the detailed design which could potentially deliver outcomes that entail less impact or more betterment than the worst-case scenario assessment of the Environmental Statement (ES). **Necessity of Inclusion** The Applicant considers that all of the land in the Order Limits is necessary, and all of the land identified for Work No. 1 is necessary to ensure the Proposed Development is viable and can be delivered for its primary purpose which is *to generate clean renewable energy to contribute to the urgent need to decarbonise the UK's energy supply.* As per the AREQ2 Q2.2.2 response on 'overplanting' the Applicant considers land is used efficiently and reasonably within the Site, and has demonstrated a requirement for flexibility to accommodate certain and foreseeable potential exclusions from Work No. 1 including: • Design Parameters Document (DPD) [**APP-028**] (Table 2.1) restriction on solar arrays under/around the 11kv overhead lines in Area C. • Commitments In the Outline Construction Environmental Management Plan (OCEMP) [**REP4-021**] to avoid infrastructure in root protection areas which will be defined only following the pre-commencement updating tree survey (see OCEMP section 6). • The OCEMP (section 5) also requires an updating Preliminary Ecological Appraisal which will determine whether there are any protected species on the Site where exclusions may be required (e.g. badger setts, otter holts). • The OCEMP (sections 5 and 11) and the Outline Soil Management Plan (OSMP) [**REP4-023**] require the exclusion of peat deposits beyond those in the Peat Survey Report [**APP-173**]. Peat identified in pre-construction ground investigations construction must also be excluded.

No.	Applicant response to ISH actions
	• DCO Requirement 9 requires archaeological trial trenching substantially in accordance with the Archaeological Mitigation Strategy [**APP-117**]. If archaeological deposits are found there can be requirements for design mitigation which reduces capacity or complete exclusion • The OCEMP (section 11) commits to exclusions within 50m of former coal mine entries identified on Coal Mining Hazard Assessment [**APP-171**] Figure 3.1 without investigations and mitigation agreed with the Mining Remediation Authority (MRA) for any reduction to this buffer. • Other ground investigation outcomes of the OCEMP (section 11) relating to ground stability, mine gasses, and contamination could also lead to the exclusion of land from Work No. 3. The Proposed Development has a connection agreement with ENW for 150MW of export. If consented it will be primarily because of the contribution to a net zero grid as 'critical national priority' infrastructure. It must also be viable, and this will be based on the export potential in relation to the cost of construction, including the grid connection investment, which depends on the capacity being deliverable. **Justification of Inclusion** The Applicant's position is that in a do-nothing scenario the ecological value of the CWS will continue to degrade due to the continued intensive grazing for the parts of the CWS that do have ecological interest and remnants of the CWS qualifying features, which are not present in the overlap area which is poor quality habitat of low ecological value. Benefits to the CWS as a whole secured via the LSP [**REP2-046]**) and OLEMP **[APP-145]**) will enable biodiversity net gain and overall boost to habitat quality and botanical diversity. These benefits are as much the case for the overlap area as it is for the parts dedicated to only Work No. 6, and the control documents for each phase provide additional protection and management measures for the overlap area compared to other parts of Work Nos. 1 and 3 which are not within the CWS. **Conclusions** The Applicant acknowledges that planting and habitat creation options will not result in the same degree as enhancement in the overlap area as in Work No. 6. This is primarily because the shade caused by solar arrays can lead to less grassland species diversity than more open grassland areas. The issue is not that Work No. 1 & 3 will harm the CWS, only that its betterment in the overlap area will be less than it might be without these works, but this is still betterment compared to a do-nothing scenario without the Proposed Development., and this is recognised by IPs including the Cumbria Wildlife Trust (CWT), Natural England, and the Council. The Applicant's position on the overlap has been accepted by the CWT with whom the Applicant has a final dSoCG [**REP4-007**] [**D5.25**] (see CWT9).

Appendix A Comparison of dDCO against Stonestreet Green DCO

AP1: Applicant to review the Stonestreet Green Solar Order 2025 and Explanatory Memorandum

Modification by the SoS as set out in the decision letter	Applicant comments with regard to the dDCO
Amendment to the preamble of the draft Order to refer to section 83(1) of the Planning Act 2008 as the Examining Authority consisted of a single appointed person.	The Applicant has made this amend in the dDCO.
Amendment to the preamble of the draft Order to include section 140 of the Planning Act 2008 as part of the Secretary of State's powers to authorise the development.	No amend required as the preamble to the dDCO already references section 140 of the Planning Act 2008.
Amendments to Article 2(8) to make clear that the development consent granted does not authorise works which are likely to give rise to any materially new or materially different environmental effects.	The Applicant does not consider this provision is necessary in the dDCO. The dDCO has a number of provisions which already create controls around works which could give rise to materially new or materially different environmental effects. For example, the definition of "maintain" in Article 2 provides that any works of maintenance carried out by the Applicant would be subject to the condition that "such works do not give rise to any materially new or materially different environmental effects in comparison to those reported in the environmental statement. Another example is in relation to "further associated development" set out in Schedule 1 which is only authorised development insofar as it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the ES. The Applicant notes that Article 2(8) of the Stonestreet DCO is not well precedented and is not contained in the other made solar DCOs.
Removal of Article 9 (Planning permission) because it is not considered necessary and creates potential ambiguity.	The Applicant considers that Article 40(Planning Permission) is necessary to be included in the dDCO for the Proposed Development. The Applicant has set its position on including Article 40 (Planning Permission) in the dDCO in the AWSOS-ISH [**D5.7**]. Please refer to

Modification by the SoS as set out in the decision letter	Applicant comments with regard to the dDCO
	item 1(o) of the AWSOS-ISH and paragraphs 4.7.7 – 4.7.11 of the Explanatory Memorandum [**D5.4**] for justification on including this article and relevant precedent.
Amendment to (previously) Article 18 to refer to temporary closure rather than temporary stopping up of public rights of way as is preferred by the Secretary of State (and consequential amendments to other provisions as required).	No amend required as the dDCO already refers to temporary closure rather than temporary stopping up.
Removal of (previously) Article 20(9) for consistency with previous DCOs	The equivalent provision in the dDCO [**D5.3**] is Article 19(9) and states that a person who fails to notify the undertaker of their decision in respect of an application for consent within 28 days of the application being made is deemed to have given consent. This provision, with the time limit stipulation, is necessary to remove the risk of delay and provide certainty that the authorised development can be delivered by the in a timely fashion. It would be disproportionate for an NSIP to risk being held up due to failure to respond to an application for consent. The Applicant maintains its position in retaining this provision. This provision is precedented in other solar DCOs including Article 18(10) of the Byers Gill Solar Order 2025, Article 14(10) of the Heckington Fen Solar Park Order 2025, Article 9(9) of The Little Crow Solar Park Order 2022, and Article 13(9) of the Cleve Hill Solar Park Order 2020.
Removal from (previously) Articles 20 and 21 of references to not unreasonably withholding consent, as this is covered by (previously) Article 47.	The equivalent provisions in the dDCO [**D5.3**] are found in Article 19(3) and 19(4)(a) and article 21(4) and are required to avoid any unnecessary delay to the authorised development. The Applicant maintains its position for including this wording. This is precedented in made DCOs including made solar DCOs in Article 18(3) and (4)(a) and Article 20(3) of the Byers Gill Solar Order 2025, Article 14(1)(3) and (4)(a) and Article 16(4) of the Heckington Fen Solar Park Order 2025 and Article 13(3) and (4)(a) and Article 15(4) of the Cleve Hill Solar Park Order 2020.
Amendments to (previously) Article 27(3) and (4) to clarify the drafting.	The equivalent provisions in the dDCO [**D5.3**] are in Article 26 (Private rights over land) paragraphs (4) and (5). Paragraph (4) is necessary because if private rights and restrictions over Order land are inconsistent with the purpose for which temporary possession was taken, i.e. in order to construct the Proposed Development, they will need to be temporarily

Modification by the SoS as set out in the decision letter	Applicant comments with regard to the dDCO
[The wording that was removed is: "*in so far as their continuance would be inconsistent with the purpose for which temporary possession is taken*" in (3) and "*in accordance with the terms of section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act*" in (4)]	suspended to avoid unnecessary delays to construction. The suspension of rights will only be for the duration of the temporary occupation. The wording in paragraph (4) is required to demonstrate that suspension is only necessary where there are inconsistencies. The wording is paragraph (5) provides compensation for anyone who suffers loss resulting from a suspension of rights under paragraph (4) in accordance with section 152 (compensation in case where no right to claim in nuisance) of the 2008 Act. There is no reason to remove this wording given it provides a systematic and authorised approach for the provision of compensation which would help to avoid any disputes. The Applicant's position therefore is that the drafting of these provisions should not be amended. Precedent for these provisions is found in made solar DCOs including article 24 paragraphs (3) and (4) of the Tillbridge Solar Order 2025, Article 24 paragraphs (3) and (4) of the Byers Gill Solar Order 2025, Article 20 paragraphs (3) and (4) of the Oaklands Farm Solar Park Order 2025 and Article 23 paragraph (3) and (4) of the East Yorkshire Solar Farm Order 2025.
Amendments to (previously) Article 31(3) to clarify that the undertaker may not remain in possession of land under (previously) Article 31 for longer than reasonably necessary. [Wording that was added: "*the undertaker* ***may not remain in possession of any land under this article for longer than reasonably necessary and in any event must not,*** *without the agreement of the owners of the land, remain in possession…*"]	The equivalent provision in the dDCO [**D5.3**] is in Article 33(4). The Applicant does not deem it necessary to add the wording that was inserted by the SoS in Stonestreet Green Solar Order 2025 because the provisions in sub-paragraphs (a) and (b) of Article 33(4) provide stringent controls on the length of time that the undertaker can remain in temporary possession of land. The timeframes stipulated in sub-paragraphs (a) and (b) are well precedented in recently made solar DCOs including Article 30(4)(a) and (b) of the Tillbridge Solar Order 2025, Article 30(4)(a) and (b) of Byers Gill Solar Order 2025 and Article 39(4)(a) and (b) of the East Yorkshire Solar Farm Order 2025. The modified wording inserted into the Stonestreet Green Solar Order 2025 is not precedented in these solar DCOs.
Removal of (previously) Article 40 (Human remains).	The dDCO does not contain this article.
Amendment to Part 1 Requirement 6 (Construction environmental management plan) and Requirement 12 (Operational management plan) and Requirement 14 (Decommissioning and site restoration) to add that approval	The Applicant does not consider any amendment is required to the equivalent Requirements in the dDCO [**D5.3**] (Requirements 4, 11 and 13). Requirement 4 already provides for consultation on the construction environmental management plan with the relevant statutory nature conservation body, being Natural England. Natural England has not requested to be

Modification by the SoS as set out in the decision letter	Applicant comments with regard to the dDCO
shall also be in consultation with the relevant statutory nature conservation body.	consulted on the operational management plan. In terms of the decommissioning management plan (DMP), the framework DMP already provides that the Applicant will engage with relevant stakeholders prior to the preparation of the final DMP [**APP-111**].
Amendment to Part 1 Requirement 8 (Landscape and biodiversity) to ensure that the Proposed Development will result in a net gain of at least 100% in area-based habitat units, at least 10% in hedgerow units, and at least 10% in watercourse units.	The Applicant does not consider the inclusion of such a Requirement relating to BNG is necessary as the BNG figures are already secured via the OLEMP and Requirement 7 of the dDCO. The Applicant set this out in response to Q2.1.2 in AREQ2 [**REP4-004**].
Amendment to Part 1 Requirement 12(3) (Operational management plan) to clarify that the OMP must be maintained throughout the operation of the relevant part of the development to which the OMP relates.	The equivalent requirement in the dDCO [**D5.3**] is Requirement 11 Operational management plan. Paragraph (2) of this requirement stipulates that "*the operation of the authorised development must be carried out in accordance with the approved OMP for that part*". The Applicant does not deem it necessary to add in the additional wording modified in the Stonestreet Green Solar Order 2025 because the current wording already provides that the OMP will apply for the operational phase of the Proposed Development. The wording in Requirement 11 of the dDCO is precedented in Requirement 15 of The Sunnica Energy Farm Order 2024 and Requirement 14 of The Longfield Solar Farm Order 2023.
Schedule 16 (Arbitration Rules) Amendment to paragraph 7 to reflect the Secretary of State's preference that the default position should be that any arbitration hearing and documentation is publicly accessible, rather than private as previously provided, subject to confidentiality or disclosure exceptions in sub-paragraphs (2) and (3).	The dDCO [**D5.3**] does not contain this schedule. In Article 45 (Arbitration), the Applicant has sought not to be prescriptive about the procedures to be followed in circumstances where there is a reference to arbitration. The Arbitration Act 1996 would apply to arbitration proceedings, and this enables an arbitrator to manage proceedings as they see appropriate, without their discretion being fettered by a one size fits all approach mandated by the Development Consent Order. The current drafting affords flexibility to the arbitrator and the parties to establish a dispute resolution procedure that is appropriate and proportionate to the matter in dispute. An appointed arbitrator would be competent to make decisions depending on the facts of the case. Precedent for this approach can be found in the London Luton Airport Expansion Development Consent Order 2025, the National Grid (Bramford to Twinstead Reinforcement) Order 2024 and the Boston Alternative Energy Facility Order 2023.

Appendix B Letter sent to Ms Carling and Mr Fulton (AP31)

21 November 2025

Ms Carling and Mr Fulton
[redacted]

FVS Dean Moor Limited
127 Cheapside, London
United Kingdom
EC2V 6BT

Dear Ms Carling and Mr Fulton,

RE: Dean Moor Solar Farm - Applicant Response to the Issue Specific Hearing Action Point 31 Request for Distances

I am writing on behalf of FVS Dean Moor Limited (the Applicant) following the Examination's Issue Specific Hearing (ISH) which took place on the 11th November.

The Examining Authority (ExA) requested that the Applicant take it as an Action Point (AP) to provide further details (measurements) of the intervening distances between your property and the proposed solar PV arrays and landscaping.

The Applicant welcomes the feedback which you both provided at the ISH and Open Floor Hearing (OFH) on 13 November 2025. This letter provides responses to AP 31 on the matter of distances. The Applicant will provide a written response to the matters raised Deadline 5 (D5) (25th November) in the 'Applicant Response to ISH Action Points' [**D5.10**] and 'Applicant Response to OFH Action Points' [**D5.12**] documents.

As soon as the Applicant's work on these APs is complete, they will be provided to you by email so you can have them before publication on the project website. We recognise this is not enough time for you to submit a response to them for D5 but we anticipate the ExA could accept a response after D5 as an Additional Submission without requiring you to wait for D6 to provide feedback. In addition, or as an alternative, the Applicant is also happy to arrange a meeting to discuss things if that could help us to provide answers better/faster.

The measurements requested are detailed within a table and figure which are provided below within this letter. Along with the measurements and figure we wanted to provide some insight into the distances selected and some context for them.

We note that the AP itself only asked that we provided distances to your property. For this exercise we felt it would be best to provide distances from the whole-title boundary and specifically to the closest part of the [redacted] property. Distances provided for the residential property are from the garden, as this is further west and north of the dwellinghouse, and therefore closer to the Site, for a more conservative set of figures.

The distances provided are the distances to Work No.1 - Solar PV Infrastructure, and Work No.6 - Green Infrastructure (landscaping). The property is surrounded by Work No. 6, which has been included as a landscape buffer, and includes both grassland and structural landscape planting. Based on your comments at the ISH, it is the Applicant's impression that

for distance to landscaping you are most interested in the distance to structural features like trees and hedgerow, and not grassland which is also part of the landscaping.

In providing these distances we relied on the distances to Work No. 1 based on the Work Plans [APP-007] and the Landscape Strategy Plan (LSP) [REP2-046]. Both of these documents are to be secured via the DCO and all of the plans with the DCO are to scale if you would like to verify measurements provided.

The approved Work Plans will set the boundary of maximum extent of an area in which Work No 1 infrastructure (solar arrays and PCS units) could be provided, subject to other requirements like the avoidance of significant adverse noise effects (as per Requirement 12). While this is the closest possible distance, the Applicant also knows in some respects it would be impossible to be exactly this close, as there will need to be at least some setback (typically at least 3-5m) from a hedgerow to allow for boundary maintenance and to avoid shade. But, for consideration of impact the application assessments do not make allowance for this and assess only the worst case.

The LSP is an indicative strategy and not a final detailed landscape masterplan. This will be provided via the DCO Requirement 6 Landscape Ecology Plan (LEP) which will be informed by updated survey of existing habitats / landscape features and the potential final solar farm layout. The LEP must be substantially in accordance with the LSP, but details could change to make sure screening is effectively targeted for the final specified equipment and layout. Although the requirement for substantial accordance means it would not be possible to do something very different, like to seek to surround your property entirely with a large woodland band. The LEP, along with the detailed layout, are subject to the Council's approval and their consultation process, and the Applicant considers it would be the right thing to engage with you as adjoining residents as part of the pre-application process. Local residents and the Parish Council are also empowered to comment during the discharge of Requirements and the Council will have to weigh feedback into their decision making.

To respond to this Action the Applicant considered the part of your property which is at the southeast corner of the Site bordered by Dean Cross Road to the south and Branthwaite Edge Road to the north, and by the Proposed Development Site west and north. This is an area of approximately 2.10 acres. The Applicant understands that your ownership extends into land south of Dean Cross Road and includes the motorcross park. This response focuses on the mixed commercial-residential plot bordered by the Site on two sides.

The plot includes a dwelling and garden, multiple commercial buildings, commercial and residential parking areas, space for vehicle movements between buildings, a tall band of trees the west, and an open grassland area to the north with some tall hedging along part of the northeastern border. [redacted] and garden is in the most southeast corner of the plot, with commercial buildings and landscaping between the residential property and Site boundary. While the AP is for "distance to the property", as the property is mixed use and is bordered by the Site on two sides there are multiple aspects for which distances could be provided, and the Applicant has used professional judgement to make a selection.

Distances are provided in Table 1 below and are best read alongside the corresponding figure which includes annotations so you know where the distances are to/from. You will note there is one set of distances which is provided only for the residential property, and this

is from the spot in the garden where, based on google earth aerial imagery, the Applicant considers there is most likely a viewing gap between commercial buildings to the Site.

Table 1 - Distance in metres to Properties

Works	Direction	Property Boundary	Residential Boundary
Work No. 1 - Solar PV Infrastructure	North	176	249
	North west		224
	West	52	111
Work No. 6 - Green Infrastructure	North	152	222
	North west		216
	West	4	62

In terms of the Landscape and Visual Impact Assessment [**REP2-032**] provided within the application, and the requirements for how such impacts are to be assessed, residential dwellings are considered to be more sensitive than commercial properties. As per the Applicant's Response to the ExA's First Written Questions (AREQ1) [**REP2-010**] (see Q6.0.3), within [redacted], there are no upper floor windows facing north, and there are intervening commercial buildings, which limits views some perspectives.

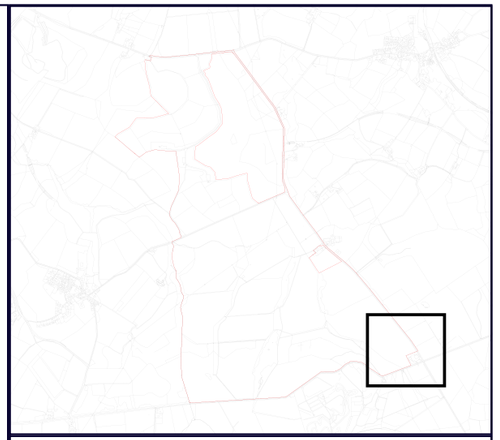
In the absence of detailed design for the Proposed Development, the figure shows the distance between the property boundary and residential boundary from the indicative landscaping proposed on the LSP. For the landscaping to the north there is an area of grassland and then some hedgerow trees in advance of a hedgerow which sits along the contour you requested for the setback and this planting when we met at your property in during the Statutory Consultation in spring 2024.

For the landscaping to the west the Applicant notes there is a mature band of coniferous trees, but these have now grown to a height where there are lower level gaps. The Applicant has proposed transitional scrub and tree planting to taper from this to the hedgerow which will form a final arc of screening before Work No. 1. The Applicant has provided the distance from boundaries to the areas of scrub and hedgerow trees that are closest to the property. As the hedgerow forms the boundary of Work No.1, the distance to the hedgerow is approx. 1-2m less than the distance to Work No.1.

The Applicant acknowledges that professional judgement has been applied in selecting locations from which to measures distances. We hope this information meets with your expectations, but please do not hesitate to let us know if there is anything we can do to improve. We are also happy to set up a meeting with you both to better understand what information you are looking for, if the this is not considered to be sufficient.

Yours sincerely,

[redacted]
Associate, Stantec (On behalf of FVS Dean Moor Limited)
[redacted]@stantec.com



Legend

- Order Limits
- Work No.1
- Dean Cross Cottage & Garden
- Proposed Scrubland
- Proposed Hedgerow
- Proposed Tree

Proximity

- Property to Work Area 1
- Residential Property to Work Area 1
- Property to Indicative Landscaping
- Residential Property to Indicative Landscaping

Project Title

Dean Moor Solar Farm

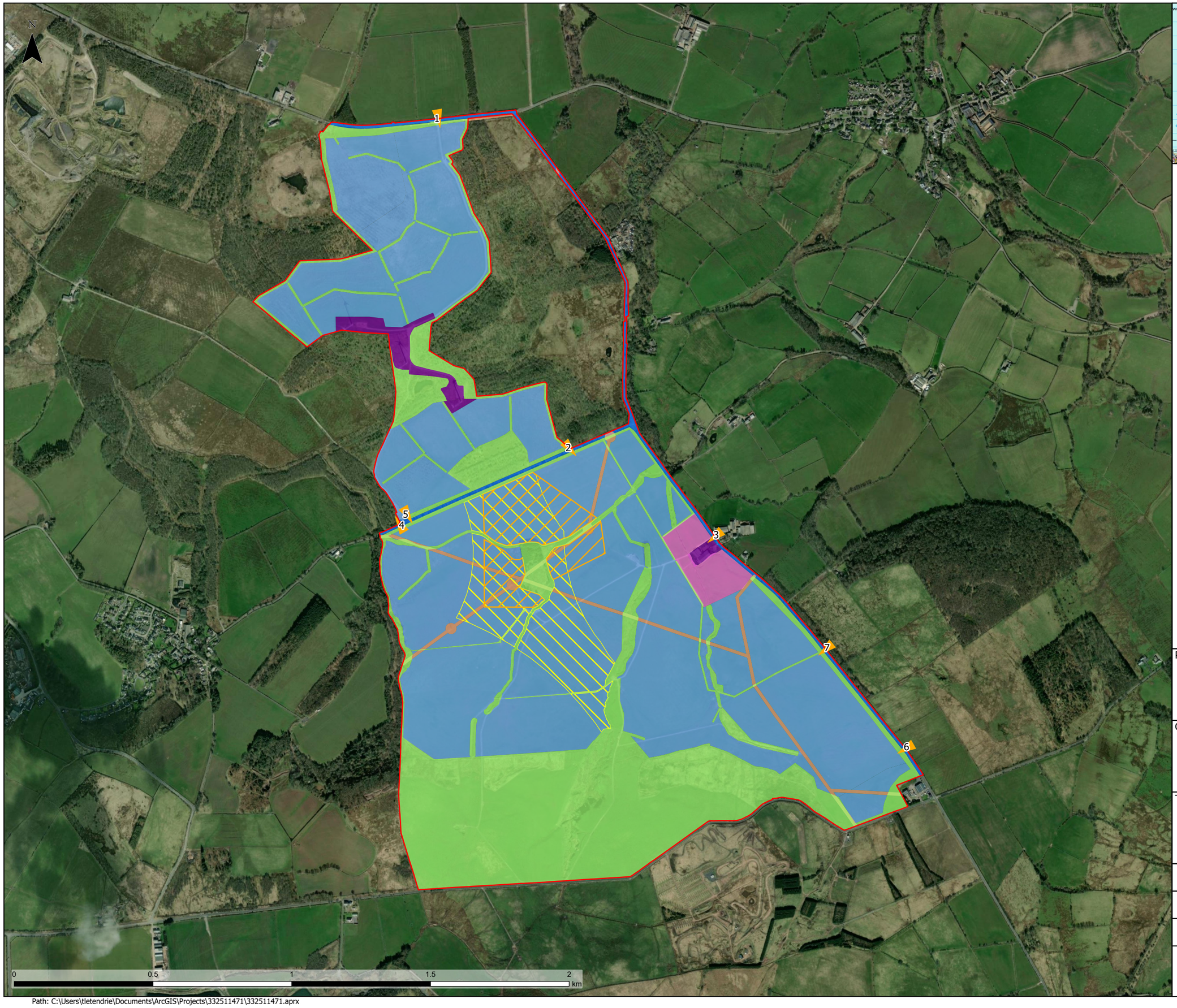
FVS Dean Moor Limited

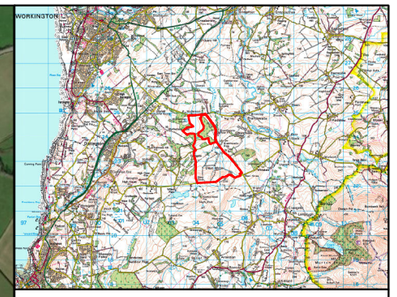
Title

Issue Specific Hearing Action Point 31: Property Distances

Scale 1:1,000 @ A3	Date: 21/11/2025
Drawn: RP	Checked:
Figure: 1 Sheet 1 of 1	Rev: B

Appendix C PEIR Concept Layout (AP32)





Legend

- Draft Order Limits
- Indicative Site Access Points
- Existing Agricultural Land - Retained
- Potential Highway Works
- Solar Development Area
- Existing Electrical Infrastructure
- Mitigation and Enhancement
- Existing Development - Retained
- Indicative area where BESS Compound will be sited
- Indicative area where Point of Connection Compound will be sited

Project Title

Dean Moor Solar Farm

Client

FVS Dean Moor Limited

Title

DEAN MOOR SOLAR FARM
DEVELOPMENT CONSENT ORDER

Concept Layout

Scale: 1:12,500 @ A3	Date: 25/01/2024
Drawn: TL	Checked: HC
Figure: 3.1 Sheet 1 of 1	Rev: A

Stantec

Path: C:\Users\tletendrie\Documents\ArcGIS\Projects\332511471\332511471.aprx