



Dean Moor Solar Farm

Applicant Closing Submission

on behalf of **FVS Dean Moor Limited**

22 December 2025
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DEAN MOOR SOLAR FARM
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PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED

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1 Introduction

- 1.1.1 This document has been produced for FVS Dean Moor Limited (the ‘Applicant’) to support the application for a Development Consent Order (the ‘DCO application’) for Dean Moor Solar Farm (‘the Proposed Development’) located between the villages of Gilgarran and Branthwaite in West Cumbria (the ‘Site’), which is situated within the administrative area of Cumberland Council (‘the Council’).
- 1.1.2 This Applicant Closing Submission (ACS) **[D6.6]** is submitted at Deadline 6 (‘D6’) at the close of the Dean Moor Solar DCO application Examination. This ACS has been prepared to summarise the Proposed Development and relevant legislation and policy, engagement with stakeholders to resolve key issues, and the Applicant’s final position on the status of key topics, with reference to matters which have been raised on these topics by the Examining Authority (ExA) and/or Interested Parties (IP) during Examination.
- 1.1.3 The Examination commenced 22 July 2025 and comprised six deadlines, the final being D6 on 22 December 2025. Three hearings were held, an Issue Specific Hearing (ISH) on 11 November, and the Compulsory Acquisition Hearing (CAH) and Open Floor Hearing (OFH) on 13 November.
- 1.1.4 The Applicant has sought to provide comprehensive responses to each Relevant Representation (RR), Written Representation (WR), Examining Authority Questions (ExQ) and ExA requests for additional information via Rule 17 Letters. As part of the Examination process, based on ExA and IP feedback, the Applicant has endeavoured to make the necessary updates to documents, including the draft DCO (dDCO) **[D6.3]**, outline control documents, and environmental assessments, and to validate the Applicant’s position(s) through Statements of Common Ground (SoCG) with relevant stakeholders.
- 1.1.5 This ACS provides a high-level summary of the Applicant’s position on key matters raised across the Examination. It does not introduce new material, instead it draws on information already submitted and aims to provide clarity on the Applicant’s final position with reference to previous submissions.

- 1.1.6 The ACS is not intended to set out in-full the Applicant's final position on each matter addressed; the references provided are relied upon for this, although the signposting is not an exhaustive list of every submission on a given topic but draws attention to those the Applicant considers the most directly relevant.
- 1.1.7 The Applicant's position is that there are no substantive outstanding issues remaining. Any remaining residual adverse effects should be weighed against the substantial benefits of the Proposed Development and its presumption for consent as Critical National Priority (CNP) infrastructure which would contribute to addressing the urgent need to decarbonise the energy supply.
- 1.1.8 This document has been organised into the following sections to provide an overview of each key aspect of the Examination:
- The Proposed Development;
 - Legislation and Policy Framework;
 - Summary of Consultation Undertaken;
 - Land / Compulsory Acquisition
 - Applicant Position on Key Matters at the Close of Examination;
 - Final Development Consent Order; and,
 - Conclusion.

2 The Proposed Development

2.1 The Proposed Development

2.1.1 The Proposed Development comprises the construction, operation (including maintenance), and decommissioning of a solar photovoltaic (PV) energy generating station. The generating station would export electricity via an on-Site connection to the Electricity North West Limited (ENW) grid network. The purpose of the Proposed Development is to generate clean renewable energy to contribute to the urgent need to decarbonise the UK's energy supply.

2.1.2 The principal components of the Proposed Development include:

- Solar PV panels; Solar PV array mounting structures;
- Power Conversion System ('PCS') units in the form of inverters and transformers;
- Grid Connection Infrastructure comprising Customer and DNO Substation buildings and external electrical equipment and ancillary infrastructure within a security fence;
- Perimeter fencing, gates, CCTV cameras, electrical cabling, and other associated infrastructure;
- Access from the highway and internal access tracks; and
- Green Infrastructure including landscape planting and ecological enhancements.

2.1.3 The earliest the Proposed Development could commence is late 2026 and construction is expected to occur over a period of approximately 18 months. The Outline Construction Environmental Management Plan (OCEMP) [[AS-026](#)], Outline Construction Traffic Management Plan (OCTMP) [[REP2-025](#)], and Outline Soil Management Plan (OSMP) [[REP4-023](#)] set out controls to avoid, minimise, or offset environmental effects during construction.

2.1.4 The operational phase will initiate when the generating station begins operating on a commercial basis (the '*date of final commissioning*' in the dDCO). Activities during the operational phase will be managed substantially in accordance with the measures of the Outline Landscape Ecological Management Plan (OLEMP) [[REP5-016](#)], Outline Operational Management Plan (OOMP) [[AS-024](#)], and Flood Risk Assessment (FRA) and Outline Drainage Strategy (ODS) [[REP4-025](#)] which describe the nature of

operational activities and the management which will be in place for their implementation.

- 2.1.5 The Proposed Development will be operational for up to 40 years. No later than at the end of the 40-year period, the generating station, including solar PV arrays, cabling, and ancillary buildings will be decommissioned and the Site will be reinstated to its current use. This will be undertaken in accordance with a Decommissioning Management Plan (DMP) document suite which will be substantially in accordance with the Framework Decommissioning Management Plan (FDMP) [APP-111].
- 2.1.6 The works that form part of the Proposed Development are listed in dDCO [D6.3] Schedule 1 and their extents are shown on the Work Plans [APP-007]. Further detail on the work components and parameters relied on for the ES are set out in the Design Parameters Document (DPD) [APP-028]. Additional detail is also provided across the ES and in particular in ES Chapter 3 – Site and Proposed Development Description [APP-034] and ES Chapter 5 – Construction and Decommissioning Methodology and Phasing [APP-036].

2.2 Key Benefits of the Proposed Development

- 2.2.1 The Proposed Development will increase energy security, reliability, and affordability of energy supply, benefitting both the local and national electricity network. Key strategic benefits are set out in the Planning Statement (PS) section 7 and are summarised as follows:
- *Energy security – the Proposed Development will reduce the UK's vulnerability to international energy supply and price shocks by increasing domestic energy production.*
 - *Reliability – the Proposed Development will provide a significant and reliable energy output using passive low-maintenance technology that operates consistently during daylight hours.*
 - *Affordability – solar is a low-cost type of energy generation and will decrease reliance on more expensive forms of energy generation.*
- 2.2.2 The Proposed Development will also feature extensive ecological and landscape enhancements (as discussed in ES Chapter 8 – Biodiversity [REP2-053], ES Chapter 7 – Landscape and Visual [REP2-032]) which will bring about a substantial biodiversity net gain (BNG), along with measures for wildlife (e.g. birds, bats, reptiles, etc) and benefits for water quality. The

new permissive paths, as part of the green infrastructure proposals, provide new off-road recreational routes with health and wellbeing benefits for residents.

2.3 Good Design

- 2.3.1 Key aspects of the Proposed Development's design are secured by the Work Plans and DPD which determine the maximum extents (locations) of works and provide constraints on matters affecting appearance (e.g. maximum heights, sizes, and colour options). Should development consent be granted, the scheme must be in accordance with the DPD and approved by the Council under DCO Requirement 3 – Detailed design approval.
- 2.3.2 The Design Approach Document (DAD) [[APP-029](#)] explains the framework of vision and Design Principles (DP) which have guided the Applicant's approach to good design. The DPD, along with the outline management plans, provide the envelope for the future detailed design of the Proposed Development in terms of appearance and the manner of its implementation and operation.
- 2.3.3 While the design parameters of the Proposed Development secured by the DPD have remain unchanged throughout the Examination, the Applicant has sought to amend to the outline management plans to take into account feedback from consultees, including the Council, in accordance with the DAD's DP PE.3 – *'Embed principles of meaningful consultation (including accessibility and inclusivity) across all aspects of the Proposed Development so as to positively influence design, delivery (construction), and operations'*.
- 2.3.4 The outline management plans included with the ES include commitments to monitoring the Proposed Development and regularly engaging with relevant stakeholders to ensure that the generating station equipment is functioning well and continues to have minimal adverse impacts on its surrounds and that the positive green infrastructure benefits are delivered.

2.4 Environmental Impact Assessment

- 2.4.1 An ES has been produced for the Proposed Development. A full summary of the residual significant effects is provided by ES Chapter 11 – Cumulative

Effects and Residual Effects Summary [[APP-042](#)] and the scoped-in technical chapters of the ES include the following:

- Chapter 6 – Cultural Heritage;
- Chapter 7 – Landscape and Visual;
- Chapter 8 – Biodiversity;
- Chapter 9 – Climate Change; and
- Chapter 10 – Ground Conditions.

- 2.4.2 Further assessment is also provided in technical appendices, including for topics scoped-out as standalone chapter topics including transport, flood risk, noise, and agricultural land classification (ALC).
- 2.4.3 Mitigation of the likely significant effects has been identified throughout the ES, in accordance with NPS EN-1 Para 4.3.2.
- 2.4.4 While the Applicant has made changes to ES Chapters 6 (Cultural Heritage), 7 (Landscape and Visual Impact), and 8 (Biodiversity) during the Examination to provide further clarification and respond to feedback, there have been no changes to the reported residual effects. The SoCGs with IPs, affirm the Applicant's approach to the assessment of environmental effects and outcomes (for example with respect to the SHRA (see NE.3-5) [[AS-030](#)]).
- 2.4.5 The flexibility secured within the Works Plans and DPD ensures the ES has assessed the maximum parameters and 'worst-case' in line with the principle of the 'Rochdale Envelope' and in accordance with the Planning Inspectorate's Advice Note Nine: Rochdale Envelope¹ (July 2018) (paragraph 2.1) to basing assessments on a '*cautious 'worst case' approach*'. The effects assessed and reported within ES Chapter 11 are therefore the worst-case, and the actual effects may be lessened following the detailed design.
- 2.4.6 The Applicant considers that the substantial benefits of the Proposed Development outweigh the limited residual adverse effects, which do not represent an unacceptable risk that would negate the presumption in favour of CNP infrastructure. The Proposed Development would deliver greater benefits than adverse effects and would contribute to addressing the urgent

¹ HM Government (2018). Planning Inspectorate Guidance Nationally Significant Infrastructure Projects - Advice Note Nine: Rochdale Envelope.

national need for renewable energy to reduce the carbon emissions associated with power generation.

3 Legislation and Policy Framework

- 3.1.1 This section summarises the legislation and policy background of the Proposed Development. A detailed overview of compliance with national and local policy is provided by the Policy Compliance Document (PCD) [APP-027] and is assessed further in the Planning Statement (PS) [AS-10].
- 3.1.2 The Applicant considers that the PS assessment (particularly in section 5 on the principle of development, and section 6 appraisal of environmental topics), has not fundamentally changed during the Examination. While some topics have advanced through amendments to control documents, these changes have been to secure more robustly the outcomes relied on by the PS assessment, as opposed to being new matters which were not considered, or which alter the outcomes.

3.2 National Policy

- 3.2.1 As defined by Section 14(1)(a), 15(1), and 15(2)(c) of the Planning Act 2008² (the 'PA 2008'), the Proposed Development is classified as a Nationally Significant Infrastructure Project (NSIP) as it is a generating station that has a capacity of over 50MW. Section 103 of the PA 2008 states that the SoS has the function of deciding whether to grant a DCO.
- 3.2.2 Section 104, Part 2, states the SoS must have regard to:
- *'(a) any national policy statement which has effect in relation to development of the description to which the application relates ...'*
 - *'(b) any local impact report'*
 - *'(c) any matters prescribed in relation to development of the description to which the application relates'; and*
 - *'(d) any other matters which the [SoS] thinks are important and relevant to the [SoS's] decision'.*

National Policy Statements

- 3.2.3 There are three National Policy Statements (NPS) considered to be the 'relevant NPS' under Section 104 of the PA 2008:
- Overarching NPS for Energy (EN-1) (2024)³;

² Planning Act 2008 c 29

³ DESNZ. (2023) Overarching National Policy Statement for Energy (EN-1). DESNZ. London, UK.

- NPS for Renewable Energy (EN-3) (2024)⁴;
- NPS for Electricity Networks Infrastructure (EN-5) (2024)⁵.

3.2.4 The PS and PCD demonstrate the Proposed Development is in accordance with EN-1, EN-3, and EN-5. EN-1 Paragraph 4.1.3 establishes that there is a presumption in favour of granting consent for energy NSIPs. Paragraph 3.3.63 states that there is a presumption that the urgent need for CNP infrastructure, including solar, will *‘in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy.’*

3.3 Local Impact Report

- 3.3.1 The Council submitted their Local Impact Report (LIR) [REP2-058] at D2. With respect to topics such as cultural heritage, flood risk, and transport the LIR acknowledged positive engagement and alignment on these matters. It also raised additional matters such as ecology, landscape, and employment and skills provision, which were resolved through further engagement.
- 3.3.2 A comprehensive ‘Applicant Response to the Local Impact Report (‘ARLIR’) [REP3-008] addressed the LIR. Affirmation of the ARLIR positions, and on the subsequent advancement on LIR/ARLIR matters, was also provided by the Council’s ExQ2 Response [REP4-030] to Q2.3.3. Agreement on matters raised by the Council’s LIR is also captured by the SoCG [REP5-020].
- 3.3.3 The Applicant and the Council have engaged effectively across the Examination, which is reflected in the SoCG and which has evolved to incorporate matters raised in the LIR, as well as by the ExA and other IPs. The SoCG also reflects agreement that the application has appropriately addressed relevant Local Development Plan (LDP) policies, confirming that *‘[the Council confirms the application has had regard for the correct policies that will be relevant to their decision making as a consultee.]’* (See CC.LPA.1).

⁴ DESNZ. (2023) National Policy Statement for Renewable Energy Infrastructure (EN-3). DESNZ. London, UK

⁵ DESNZ (2023) National Policy Statement for Electricity Networks (EN-5). DESNZ. London, UK.

3.4 Material Considerations

- 3.4.1 In addition to the relevant NPSs, the Applicant considers the relevant material considerations to be the National Planning Policy Framework (NPPF), the relevant National Planning Practice Guidance (PPG), the LDP of the Council, as well as, to a lesser extent, of the Lake District National Park Authority (LDNPA). The Applicant's consideration of the Proposed Development against these material considerations is set out across PS sections 5-6. Additional material considerations may be the local, national, and global policy context relating to the joint climate and biodiversity crisis, which relate primarily to the principle of development as discussed below.

3.5 Principle of the Proposed Development

- 3.5.1 The NPSs are strongly supportive of renewable energy as a means of meeting the nation's increasing energy demands, tackling climate change, addressing supply security, and transitioning to a sustainable low carbon economy. Privately funded, large scale solar developments are recognised as being central to meeting an urgent need.
- 3.5.2 The urgency of the need for substantially greater quantities of renewable energy (including large scale solar) is evident in Government energy policy, driven by its declared Climate Emergency to achieve a 100% reduction in GHG by 2050 (Net Zero). This is a legally binding target.
- 3.5.3 The Proposed Development is a proven technology and a CNP that will help to deliver the government's objectives of a secure, reliable, affordable, and net zero energy strategy. As a type of infrastructure covered by the NPSs, there is a proven urgent need which should be given substantial weight.
- 3.5.4 A full consideration of the legislation and policy context that establishes the need for the Proposed Development is described in PS sections 4.4 and 4.5, and a policy-led consideration of the principle of the Proposed Development as a renewable energy generating station is set out in PS section 5.

4 Consultation and Community Engagement

- 4.1.1 The application has been informed by non-statutory and statutory consultation which began in 2023. Pre-application consultation with the local community and other stakeholders, is summarised in the Consultation Report [APP-018] and its supporting appendices, as well as in ‘Stakeholder Engagement’ appendices of relevant ES chapters. The adequacy of the Applicant’s pre-application consultation has been confirmed by the Council [AoC-001].
- 4.1.2 Insight into how pre-application consultation with the local community and other stakeholders has influenced the design of the Proposed Development (including visual/physical parameters and control documents) is set out in the DAD [APP-029] and ES Chapter 4 – Alternatives and Design Evolution [APP-035]. It can also be seen in the evolution of control documents and the SoCGs across the Examination period from IP’s initial RR through to final SoCG.

4.2 Statements of Common Ground

- 4.2.1 The Applicant has worked closely with consultees during pre-application, pre-Examination, and the Examination, meeting regularly to discuss and resolve issues, and this is reflected by the final set of SoCGs submitted at D5, all of which are signed, and all matters agreed. SoCG have been provided for the following consultees:
- Cumberland Council [REP5-020];
 - Lake District National Park Authority (‘LDNPA’) [AS-037];
 - Environment Agency (‘EA’) [AS-032];
 - Historic England (‘HE’) [REP5-022];
 - Natural England (‘NE’) [AS-030];
 - National Highways (‘NH’) [AS-034];
 - Mining Remediation Authority (‘MRA’) [REP5-024]; and
 - Cumbria Wildlife Trust (‘CWT’) [REP5-025].
- 4.2.2 The majority of SoCGs were agreed by D3 and D4, well in advance of the close of Examination, with only the Council SoCG updated at D5 to reflect the agreed position on all matters.

- 4.2.3 At the submission of the application in March 2025, the Applicant identified four 'Potential Main Issues for Examination' (PMIE) [[APP-030](#)] which were all potential matters of disagreement with consultees. These matters have all been resolved and are reflected in the SoCGs with these consultees. As there are no outstanding issues for SoCG they will not be summarised further in this section but will be referred where relevant in the section 6 topic review.

Future Engagement

- 4.2.4 Further engagement is secured, where relevant, by commitments in the outline management plans, which the Applicant has updated during the Examination to address consultee requests (e.g. the EA and the CWT) to ensure future collaboration. Where necessary, consultation on the final control documents has been also secured directly by the DCO Requirements for example with NE and the EA on the final CEMP (Requirement 4).

5 Land / Compulsory Acquisition

- 5.1.1 An updated Land and Rights Negotiations Tracker [D6.2] has been submitted. This confirms that agreements have been reached with all affected parties who raised objections, other than 12 Property FE Limited (Ltd) (12FE).

5.2 Land Interests

12 Property FE Limited

- 5.2.1 The Applicant has invested a substantial amount of time in seeking to reach a negotiated settlement with 12FE. This party owns unknown mines and minerals below the surface of plots identified as 1-26, 1-33, 1-35 and 1-38 in the Book of Reference (BoR) [D6.11] and Land Plans [AS-007]. An agreement has already been reached with the surface owner of the plots.
- 5.2.2 Throughout the Examination no specific details of mines or minerals have been provided. Even if agreement was reached with 12FE, the Applicant would still require compulsory acquisition powers over the relevant plots, owing to the lack of certainty around 12FE's ownership status (the HM Land Registry title is qualified, not binding parties with an interest pre-March 2018).
- 5.2.3 Despite the Applicant having made reasonable and genuine attempts to acquire the interests through negotiation, an agreement has not been reached. The Applicant remains open to an agreement and its offer to acquire the interests remains open (subject to contract). However, it is unlikely that agreement will be reached before the close of Examination and the ExA will therefore need to consider the Applicant's case for compulsory acquisition. This is set out in detail in the Statement of Reasons [APP-014].
- 5.2.4 All 12FE plots are necessary and required for the Proposed Development, and there is a compelling case in the public interest for their acquisition. This has been discussed at length in the Examination, in-writing and orally at the CAH. The Applicant Written Summary of CAH Oral Submissions (AWSOS-CAH) [REP5-011] provides insight into the works on these plots (see 3(a)-2) and a more detailed summary is provided in the Applicant Response to CAH Action Points (AP) (ARAP-CAH) [REP5-014] (see AP4).

- 5.2.5 The Applicant's view is that the key issue between the parties is compensation. A ransom value is being demanded from the Applicant despite no supporting evidence of the existence of any mines or minerals. Should powers be granted, compensation matters are to be settled by the Upper Tribunal if an agreement cannot be reached.
- 5.2.6 The Applicant has taken significant steps to limit the private loss suffered by 12FE. This includes incorporating the Minerals Code in the dDCO, which automatically excludes mines and minerals (other than those directly impacted) from the scope of acquisition. The Applicant has, on several occasions, set out the limited impacts on 12FE, most recently in the ARAP-CAH (see AP4).
- 5.2.7 The Applicant respectfully requests that the ExA recommend the inclusion of compulsory acquisition powers over plots 1-26, 1-33, 1-35 and 1-38 to ensure the Proposed Development can be fully implemented and its benefits fully realised.

United Utilities

- 5.2.8 The Applicant can confirm that an agreement on protective provisions has been reached with United Utilities.

Potato Pot Wind Farm Limited

- 5.2.9 The Potato Pot Wind Farm (the Wind Farm) is located within the Order limits (but is excluded from the scope of compulsory powers). The Applicant can confirm that Heads of Terms (HoT) have been agreed with the owner of the Wind Farm, Potato Pot Wind Farm Ltd, to alleviate previous concerns. This position is reflected in a WR on behalf of the Wind Farm [[AS-039](#)].

6 Applicant Final Position on Key Matters

6.1 Introduction

- 6.1.1 This section provides a summary of the Applicant's position on key matters relevant to the determination of the application, structured topically, and drawing on the ES conclusions and providing references to relevant SoCGs. This is not intended to provide a comprehensive coverage of each topic assessed in the application, or compliance with legislation/policy, but sets out the Applicant's understanding of the matters which have been at the forefront of the Examination, and the Applicant's position as to their final status.

6.2 Cultural Heritage

- 6.2.1 ES Chapter 6 – Cultural Heritage [[REP2-027](#)] (and its associated appendices such as the Historic Environment Desk Based Assessment (HEDBA) [[REP2-030](#)]) considers the potential effects to above-ground cultural heritage receptors and below-ground archaeological receptors.
- 6.2.2 With respect to archaeological interests, this matter is addressed through the Archaeological Mitigation Strategy [[APP-117](#)] which is secured by DCO Requirement – Archaeology, and is affirmed in the Council SoCG [[REP5-020](#)] (see CC.AH.1 – 6) and HE SoCG [[REP5-022](#)] (see HE.2-3).
- 6.2.3 A key matter for the Examination was therefore the effect on above-ground receptors including the 'Large irregular stone circle and a round cairn on Dean Moor' (the Stone Circle and Cairn) Scheduled Monument, 'Wythemoor Sough and Adjoining Barn and Stable' (Wythemoor Sough) Grade II Listed Building, and the English Lake District World Heritage Site (WHS).
- 6.2.4 Chapter 6 establishes that there will be no direct effects on these assets, with all effects all being (long-term but temporary) effects on setting. It concludes that the effects to the Stone Circle and Cairn and Wythemoor Sough would be Moderate Adverse (a significant effect in EIA terms) and less than substantial harm in NPS/NPPF terms. It also found that the effect on the WHS is negligible but deemed it 'minor adverse' due to the sensitivity of the receptor, which is not a significant effect, and reflects less than substantial harm.

- 6.2.5 The methodology of ES Chapter 6, and outcomes in relation to these assets has been a key topic including in the RR from HE [RR-016], ExQs, and as a matter at the ISH These have been addressed in the following:
- The Applicant Response to Relevant Representations (ARRR) [REP1-002] (see Table 3.2);
 - Applicant Response to ExQ1 (AREQ-1) [REP2-010] for Q.5.0.1-10;
 - Applicant Response to ISH Agenda Items (ARISH-A) [REP3-015] for 6(a);
 - Applicant Response to ISH Action Points (ARAP-ISH) [REP5-013] for AP28-29 (See also the Applicant's Written Summary of ISH Oral Submissions (AWSOS-ISH) [REP5-010] for Items 5(a) –5(e).
- 6.2.6 The Applicant has clarified the methodological approach and guidance used in the Cultural Heritage Technical Note [REP2-057], submitted alongside an updated HEDBA. The AP28 response expands on oral submissions, setting out the ES outcomes in relation to a gradient of harm in NPS/NPPF policy, and reflects engagement between the Applicant and HE on the conclusions.
- 6.2.7 The SoCG with HE [REP5-022] sets out agreement on the ES Chapter 6 methodology, including the relevant guidance, as well as the conclusions as to the effects on the Stone Circle and Cairn, Wythemoor Sough, and WHS. This is reinforced by the LDNPA SoCG [AS-037] at LDNPA.5. The LIR [REP2-058] also confirms the Council consider the Proposed Development as '*having a neutral impact*' on heritage interests. On this basis the Applicant considers that all matters relating to cultural heritage are resolved.

6.3 Landscape and Visual

- 6.3.1 ES Chapter 7 – Landscape and Visual [REP2-032] and its appendices assess the effects of the Proposed Development on landscape and visual receptors.

Methodology and Conclusions of Assessment

- 6.3.2 View Locations for photography/visualisations were agreed with the Council and LDNPA in pre-application to ensure that they were representative of the potential for long-distance views from the LDNP and sensitive receptors (see LDNPA [AS-037] (LDNPA.2-3) and Council [REP5-020] (CC.L.2-3) SoCGs).

- 6.3.3 Post-submission (pre-Examination) the Council commissioned a Landscape and Visual Impact Assessment Review (the 'LVIA Review') [AS-005] which also forms the basis of this topic in the LIR [REP2-058]. The Applicant met the Council to discuss the LVIA Review and provided a comprehensive response in the ARRR [REP1-002] and ARLIR [REP3-008], the latter of which is affirmed by the Council in their EXQ2 Response [REP4-030] to Q3.3.3.
- 6.3.4 The outcome, captured in the Council SoCG at CC.L.8-9, is that both parties recognise that, while there are differences in assessment outcomes, these reflect reasonable variations in professional judgement in assessing the landscape and visual impact which are not fundamental issues, and it is agreed that the conclusions reported within ES Chapter 7 are accurate.

Landscape and Visual Screening

- 6.3.5 A key area of pre-submission engagement with the LDNPA was on the Landscape Strategy Plan (LSP) [REP2-046] proposals for landscaping, alongside exclusions secured by the Work Plans [APP-007] to avoid effects which could not be mitigated and mitigate by breaking up long-distance views through effective screening (see the LDNPA SoCG [AS-037] at LDNPA.7-8).
- 6.3.6 The Council are supportive of the foundation provided by the LSP. While the Council made recommendations for additional planting along Branthwaite Edge Road, and initially sought additional detail on planting heights, it was agreed that the final details of locations and heights should targeted to the final layout and equipment specifications arising from the post-consent detailed design. The mitigation proposed and secured by the DCO, ensure that the Proposed Development is sensitive to the surrounding landscape and visual receptors (CC.L.5), and that the detailed measures would be scrutinised by the Council post-consent (CC.L.7).

Lake District National Park

- 6.3.7 The Site is located approximately 3.2km from the LDNP. LDNPA policy protects the special qualities of the National Park in accordance with their statutory duty under section 11A of the National Parks and Access to the Countryside Act 1949 (the 1949 Act).
- 6.3.8 During the Examination, the ExA requested clarity on the extent of harm to the statutory purposes of the LDNP and the implications of this in relation to the 1949 Act and NPS/NPPF policy. In response to Q2.4.1, the Applicant and the LDNPA have engaged closely and are aligned on the outcomes as per the LDNPA EXQ2 Response [[REP4-031](#)] and AREQ2 [[REP4-004](#)] at Table 5.1.
- 6.3.9 The LDNPA response confirms a finding of a minor (long term but temporary) harm only in relation to a limited visual effect (to both the National Park and WHS designations) and concludes that when these effects are weighed against the benefits of the scheme, *‘the very low magnitude of effect, even with the great weight to be afforded to the effect, would appear capable of being outweighed by the nature and amount of benefits described’*.
- 6.3.10 Following the ISH a Rule 17 (R17) Letter [[PD-015](#)] sought further clarification of the methodological differences in establishing the level of harm to the LDNP. The LDNPA [[REP5-032](#)] and Applicant [[REP5-027](#)] R17 Responses, drafted following engagement between the parties, provides detail from the perspective of each party and reinforced the outcomes in the SoCG.
- 6.3.11 The submissions from both parties over the course of the Examination have confirmed agreement of the level of visual effect on the LDNP. As such, the Applicant’s final position is that the Proposed Development has had due regard to the statutory purposes of the National Park, and the LDNPA is satisfied that the application reflects due regard for conserving and enhancing the landscape and scenic beauty and furthering the LDNP’s statutory purposes.

Residential Amenity (visual)

- 6.3.12 The Applicant addressed this topic in the AREQ1 [REP2-010] response to Q6.0.3, providing justification that the threshold for a Residential Visual Amenity Assessment (RVAA) is not met. It establishes that no residential properties in proximity to the Proposed Development would be affected to such an extent that it becomes a matter of ‘residential amenity’ with reference to the relevant RVAA guidance⁶. The AREQ1 included a detailed desktop appraisal of the worst-case scenario for the residential properties identified which supported the conclusion that the RVAA thresholds are not met.
- 6.3.13 The Applicant expanded on this topic in the ARISH [REP3-015] for Item 5(b) which was also addressed by the Council’s R17 Response [REP3-029]. The Council then expanded on this topic in their ExQ2 Response [REP4-030] to Q2.4.3 which provides the Council’s position on matters relating to residential amenity, including but not limited to visual amenity. This references the SoCG on landscape matters and confirms:

‘The Council has been involved in detailed discussions with the Applicant in relation to the potential visual effects of the Proposed Development. This followed on from the review of the Landscape and Visual Impact...These discussions have focussed mainly upon the effects on the residential receptors at Wythemoor Sough, Dean Cross Cottage, Jackie Hill and Colligate.

Whilst there is a difference between the Applicants LVIA and the Councils LVIA Review the Council acknowledge that these reflect reasonable differences in professional opinion. There is no major disagreement on the outcomes which undermine the conclusions reached by the Assessment. The minor effects identified can be overcome by agreement to the detailed layout of the proposals, the type and location of the landscaping proposed and the mitigation measures proposed as set out in the OLEMP.’

- 6.3.14 The Applicant and Council are in agreement on this matter, but the Applicant also acknowledges the feedback from Ms. Carling and Mr. Fulton (as owners of a mixed commercial / residential plot to the south west of Area C) in their written and oral submissions (see most recent WR REP5-036). The Applicant has endeavoured to provide comprehensive responses to matters they have raised (e.g. in the ARRR [REP1-002] (Tables 4.1-4), the ARAP-ISH [REP5-013] for APs 32-33, and the ARWR-5 [D6.8]) and considers that the

⁶ Landscape Institute (2019) Residential Visual Amenity Assessment (RVAA) Technical Guidance Note 2/19

landscaping mitigation and setback of Work No. 1 provided around this plot remain appropriate, as informed by the ES Chapter 7 assessment.

- 6.3.15 The Applicant's position, affirmed by the Council SoCG [REP5-020] (see CC.L.6-11 and CC.EHO.1-4), is that the embedded and additional mitigation secured by the dDCO (e.g. Work Plans, DPD, LSP, OLEMP) appropriately avoid or mitigate any visual/amenity impact matters for the worst-case effects on nearby residential receptors, with potential for effects to be further reduced as part of the detailed design.

6.4 Biodiversity

- 6.4.1 ES Chapter 8 – Biodiversity [REP2-053] reports on the effects of the Proposed Development on biodiversity, considering designated sites (local, national and international), protected species, and habitats of conservation importance. The Chapter was updated at D2 to address ExA inquiries (see AREQ1 [REP2-010] Table 2.1) on matters such as the approach to BNG, relevant legislation, and considering the potential implications of the Wind Farm decommissioning.
- 6.4.2 The Council's ecological advisor provided input into the LIR [REP2-058] for this topic. Subsequent to discussions with the Council, which informed the ARLIR [REP3-008], enabled the methodology, mitigation/enhancement, and outcomes of the Biodiversity assessment to be agreed with the Council as captured by the SoCG [REP5-020] (see CC.EC.1 – CC.EC.11).

Dean Moor County Wildlife Site (CWS)

- 6.4.3 The CWS has been a topic of interest, beginning with ExQ1 on the scope of surveys and how the mitigation hierarchy has been applied to the CWS and through to the ISH. The Applicant has provided the following responses:
- Table 2.1 responses to ExQ1.0.3, 1.0.9, and 1.0.10 of the AREQ (1 of 2) [REP2-010], supported by AREQ (2 of 2) [REP2-011]; Appendix D illustrating the parameters overlain with the CWS boundary (see also the Council Response to Q1.0.14 [REP2-059];
 - The ARLIR [REP3-008] at Table 2.9 in relation to comments on the strategic importance of the CWS, and Appendix C which confirms agreement with the Council on the responses; and

- AWSOS-ISH [REP5-010] (Agenda Item 7(a)), and ARAP-ISH [REP5-013] for AP33 on an overlap between part of the CWS and Work No. 1.
- 6.4.4 The Applicant position is most clearly set out in the AREQ1 response to Q1.0.13 and the ISH AP33, which is that the habitat proposals within the LSP [REP2-046] and OLEMP [REP5-016] will enable BNG and provide a boost to the habitat quality and botanical diversity for the 46.8ha of the CWS which is in Work No.6, and for the smaller area (11.84 ha) in Work No.1 and 3, albeit not the same degree of enhancement.
- 6.4.5 The Applicant considers that the overlap area of the CWS and Work Nos. 1 and 3 is necessary to ensure sufficient land to deliver the export capacity, and while the betterment of the CWS within the overlap area might be less than without these works, it is still betterment when compared to a do-nothing scenario. The benefits to the CWS from the Proposed Development are also recognised by the Council [REP5-020] (CC.EC.5 and CC.EC.8) and NE [AS-030] (NE6).
- 6.4.6 Most importantly, all matters are agreed with the CWT as per the SoCG [REP5-025]. Among other things this that continuation of the existing intensive grazing within the Site is likely to lead to the continued degradation of the CWS (CWT9). However, the Proposed Development provides an opportunity to enhance the ecological value of the CWS, including the proposals to restore features for which it is designated (CWT10), improving water quality (CWT4), enabling public appreciation (CWT5), and improving habitat connectivity for the CWS and Site as a whole (CWT12). And good management secured by outline control documents will minimise impacts from construction, operational, and decommissioning works (CWT1-3).
- 6.4.7 While the Applicant notes that the CWT would prefer to avoid the overlap with Work No 1., this is not due to concern for harm from the Proposed Development, but because of the acknowledged (comparative) betterment reduction. Nevertheless, the CWT do not have an in-principle objection subject to their review of the final CEMP and LEMP details (CWT9).
- 6.4.8 The main discussion with the CWT during the Examination centred around ensuring that the CWT are continually engaged on the relevant aspects of the detailed design and progress towards meeting the Site's environmental

targets. Updates were made to the OCEMP [AS-026] and OLEMP [REP5-016] to reflect a commitment to ongoing engagement where relevant.

Agreement is captured within CWT8 and 10-12 of the SoCG [REP5-025].

- 6.4.9 On this basis it is the Applicant's position that the Proposed Development will enable positive benefits and nature recovery for the CWS within the Site.

Biodiversity Net Gain

- 6.4.10 Delivery of BNG and how this is secured has been a theme across Applicant and stakeholder submissions including the Council's LIR [REP2-058] (as responded to by the ARLIR, which was subsequently affirmed by the Council's EXQ2 Response [REP4-030] to Q2.3.3 (and on BNG monitoring at Q2.1.3).
- 6.4.11 The most direct overview provided by the Applicant is in the AREQ2 [REP4-004] response to Q2.1.2. Following on from this the Applicant revised the OLEMP [REP5-016] to include a new section (8) setting out in more detail the way in which the final LEMP will secure the final BNG figures. The Applicant's Q2.1.2 response notes that while BNG is not a legal requirement for the Proposed Development, it is secured by the OLEMP commitments to minimum BNG figures of 60% for habitats, 20% for hedgerows, 5% for watercourses.
- 6.4.12 The Applicant notes that the figures within ES Appendix 8.8 – BNG Report [APP-157] reflect a metric calculation based on the indicative LSP and the 2023 UKhab survey. The OLEMP requires an update to the metric based on updating habitat condition surveys and the final Landscape Ecology Plan (LEP) secured by Requirement 6.
- 6.4.13 The final LEMP will therefore secure the BNG to be delivered by the Proposed Development, which would not be less than the OLEMP's minimum figures, but which may (and are likely to be) more than the minimum figures. The approach to securing BNG and environmental enhancement generally has been agreed with relevant stakeholders as per the SoCG with NE [AS-030] at NE6 and NE7, the Council [REP-020] at CC.EC.6 and CC.LLFA.8, CWT [REP5-025] at CWT.7, and the EA [AS-033] at EA5.

- 6.4.14 On this basis the Applicant considers that a significant BNG is secured by the OLEMP (DCO Requirement 7). This is reflected in the Applicant Response to ExA's Rule 17 Letter and Schedule of Changes to dDCO (ExASoC) [D6.7] in relation to the ExASoC recommendation for a BNG requirement, which the Applicant considers would be redundant given the OLEMP commitments.

Shadow Habitat Regulations Assessment

- 6.4.15 The Applicant has confirmed agreement on the methodology, scope, and conclusions of the sHRA [REP5-018] (updated at D5 to correct a typographic error) in the SoCGs with NE [AS-030] (NE3-NE5), the Council [REP5-020] (CC.EC.4), and the EA [AS-032] (EA17).
- 6.4.16 This topic has also been the subject of Examination submissions including the Council's LIR [REP2-058] (as responded to by the ARLIR and by Applicant submissions including the AREQ1 [REP2-010] questions Q1.0.15-17 and AREQ2 [REP4-004] response to Q2.1.4.
- 6.4.17 The sHRA concludes that, subject to the implementation of mitigation set out in ES Chapter 8 [REP2-053], there will be no impact designated European sites. The ExA has considered this topic in the 'Report on the Implications for European Sites' ('RIES') [PD-016] and raised questions which the Applicant has addressed in the Applicant Response to the RIES [D6.10]. NE's support has also been re-affirmed by their RIES Response submission (shared with the Applicant ahead of D6).

Peat

- 6.4.18 A key matter that has been resolved with NE (raised in their RR [RR-009] and WR [REP2-060]) during the Examination is the identification and protection of peat resources (peat deposits and peaty soils) across the Site and ensuring that the appropriate mechanisms for managing peat are secured. Through positive engagement the Applicant has resolved this matter, updating the OSMP [REP4-023] with additional measures and more comprehensive baseline information derived from the Agricultural Land Classification (ALC) Report [APP-105] and the Peat Survey Report [APP-173].

- 6.4.19 Support for the Applicant's approach peat is reflected in the NE SoCG [AS-030] at NE16 – NE20, with additional support in the CWT [REP5-025] (at CWT6) and Council [REP5-020] (at CC.EC.5) SoCGs.

6.5 Climate Change

- 6.5.1 ES Chapter 9 – Climate Change [APP-040] concludes that the Proposed Development will result in a significant major beneficial effect at a local level due to the displacement of fossil fuel carbon emissions from the grid. As a renewable energy generating station the Proposed Development will inherently benefit climate change targets, hence the 'need' and policy support as summarised in section 3.5. Nevertheless, the topic has come up in the Examination and has been the subject of ExA questions and as an ISH agenda item. Responses to questions and the background to the outcome/resolution are found in:
- The AREQ1 [REP2-010] Table 3.1 responses to Q2.01.04 and 05;
 - The ARISH [REP3-015] Table 7.1 responses to Items 7(a)-(b);
 - The AREQ2 [REP4-004] response to Q2.2.1;
 - The WSOS-ISH [REP5-010] at Table 5.1 for Agenda Item 4(a); and
 - AP27 of the ISH (see ARAP-ISH Table 5.1) [REP5-031].
- 6.5.2 Following on from the AREQ2 response a Carbon Emissions Lifecycle Assessment (CELA) [REP5-028] was prepared and submitted at D5 after discussion of this matter at the ISH. The CELA provides an indicative, quantitative assessment of the Proposed Development's carbon emissions during the construction, operation, and decommissioning stages and details further information on the potential whole-life emissions. It concludes that it can be assumed that as a renewable energy generating station the Proposed Development will offset emissions arising from the construction, operation and decommissioning stages, as per ES Chapter 9.
- 6.5.3 It also confirms that there are mitigation measures in the control documents for each phase to support minimising emissions, without merely relying on the Proposed Development's overt climate change benefits from offsetting the grid's reliance on fossil fuels. Examples include the protection/retention of hedgerows, trees, and watercourses, protection of peat resources, a nature-

based solutions drainage strategy, new planting and OLEMP management measures, prevention of vehicle idling, the construction worker travel plan, operational EV charging points, OCEMP commitments to use lower carbon options where possible (e.g. hybrid generators), application of the waste hierarchy in construction, and requirements for recycling in decommissioning.

- 6.5.4 While the specific topic of embodied carbon vs carbon savings has only been raised by the ExA during the Examination, there is support across SoCGs for the Applicant's environmental mitigation measures which directly and indirectly support climate change and GHG emissions mitigation, as well as for the Proposed Development's direct benefits to climate change.
- 6.5.5 As such, the Applicant considers that the appropriate information has been provided to satisfy the ExA's questions which reflect EN-1's expectation that applicants to provide assessment of carbon emissions (sections 4.10 and 5.3) for the purpose of identifying mitigation/adaptation measures (4.10.13) and including mitigation to drive down emissions (5.3.5-6). It is the Applicant's position that the CELA, along with the mitigation secured by the control documents, provide confidence in the Proposed Development's contribution to net zero and the fight against climate change, and demonstrate that it will do so in an environmentally responsible manner.

6.6 Environmental Health and Amenity

- 6.6.1 The Applicant is pleased that the positive pre-Examination discussions with the Council as Lead Local Flood Authority (LLFA) and Local Highways Authority (LHA) meant that early agreement was reached on the topics of flood risk and drainage and transport/access, as well as for topics such as minerals and waste, and the majority of topics under the purview of the Council's Environmental Health Officer (EHO). This is reflected in the LIR [\[REP2-058\]](#) and early drafts of the SoCG [\[REP5-020\]](#).
- 6.6.2 Where matters raised by other IPs and/or the ExA led to changes to control documents relating to environmental health, the Applicant worked to ensure that these matters were also agreed with the Council (e.g. the more robust operational noise controls and contaminated land risk management).

- 6.6.3 Few ExA questions were received on these matters, but environmental health related topics were the subject of submissions from owners of a commercial-residential plot to the southwest of Area C on noise and glint and glare, and matters raised by the EA and NH were also advanced during the Examination.

Noise

- 6.6.4 A Noise Impact Assessment (NIA) [APP-103] was submitted for operational equipment (Work No. 1 PCS Units and Work No. 2 Grid Connection Infrastructure) with potential for noise effects. As set out in the DAD [APP-029] (see 6.10.3 – 7) NIA outcomes informed the Applicant's design response. This includes the Work Plans [APP-007] which confine Work No 2 to a location where effects will be below the Significant Observable Adverse Effects Level (SOAEL) and the DCO Requirements including Requirement 12 – Operational Noise which prevents significant effects and the OOMP [AS-024] to support minimising effects as much as possible (see OOMP Table 4.1 (A.1 – A.4)).
- 6.6.5 This topic has been raised in residents' RRs (see the ARRR [REP1-002], responses in Tables 4-3 and the ARAP-CAH [REP5-015] for AP1) and by the ExA. Applicant submissions which led to the reinforced OOMP measures include the AREQ1 (1 of 2) [REP2-010] Table 10.1 response to Q9.0.1 and the supporting AREQ1 (2 of 2) [REP2-011] Appendix J.
- 6.6.6 The ARISH-A [REP4-017] response at 9(a) set out the Applicant position in further detail and proposed an update to the NIA to incorporate and expand on the AREQ1 Appendix J data, along with additional measures to be included in the OOMP. This will complement Requirement 12, which will demonstrate to the Council that the final layout and specifications prevent significant effects on nearby noise sensitive receptors (NSR). Alongside this the OOMP secures:
- The provision of details of any noise mitigation measures relied on and any associated maintenance for attenuation equipment.
 - That within 12 months of the commencement of operations, a Noise Verification Report (NVR) will be provided to the Council, demonstrating compliance with the noise levels approved for DCO Requirement 12.

- A management protocol to ensure that noise complaints are dealt with properly and corrective action can be secured if required.
- 6.6.7 It is the Applicant's position that the DCO secures good design in relation to noise impact mitigation. The Council's support of the Applicant's approach to assessment and mitigation is provided by the LIR [REP2-058] (Section 16 - human health and amenity. A response is provided in the ARLIR [REP3-008] (see Table 2.13) which is validated in the Council's EXQ2 Response [REP4-030] for Q2.3.3 which affirms the ARLIR, and Q2.3.4 on construction and operational noise and statutory nuisance in relation to residential amenity. This is also reflected across the SoCG [REP5-020] including CC.EHO.1, CC.EHO.6 and CC.EHO.14 specifically on noise, at CC.EHO.16 on statutory nuisance, and CC.LPA.10 on the fitness of the DCO Requirements. On this basis the Applicant considers that matters relating to noise effects have been resolved.

Glint and Glare (G&G)

- 6.6.8 G&G is a matter relevant to landscape and visual impact and environmental health, and the application is supported by a Glint and Glare Assessment (GGA) (1 of 2) [REP3-011] (2 of 2) [REP3-013] which considers road, residential, and aviation receptors. While this has not been contentious, it has been the subject of RRs (see the ARRR [REP1-002] responses in Tables 4-3 and the ARAP-CAH [REP5-015] for AP1) and EXQ (see AREQ1 [REP2-010] response to Q7.0.4) and has advanced due to feedback from the Council.
- 6.6.9 The GGA methodology and outcomes have been agreed with the Council [REP5-020] which has an interest as the environmental health authority and local highway authority (LHA) (see CC.LPA.6 on G&G and CC,EHO.1-4 on environmental health and amenity generally). The Applicant also notes that NH and the LDNPA have not raised G&G concerns. The Council also comment on this matter in their EXQ2 Response [REP4-030] to Q2.3.4 on the Applicant's approach to residential amenity assessment and mitigation which affirmed the Applicant's position and recommended additional measures which were incorporated into the OOMP [AS-024] (see Table 4.1 (H)).

- 6.6.10 G&G effects are managed via the OCEMP [[AS-026](#)] (see 4.7.4 – 4.7.4) which requires an updated G&G model to be prepared for the final design to ensure appropriate mitigation is included through design (layout and landscaping) along with temporary measures to be implemented via the CEMP and managed in accordance with the OOMP to provide temporary screening (if necessary) until new landscaping has sufficiently matured. The Applicant considers that these measures, which are supported by the Council, secure mitigation for sensitive receptors including roads and nearby residents who may be concerned about potential glint and glare effect (see the D5 submission from Ms Carling and Mr Fulton [[REP5-036](#)] and Applicant's response in the ARWR-5 [[D6.8](#)]) such that this matter is resolved.

Flood Risk and the Water Environment

- 6.6.11 As per the ES Appendix 2.4 – FRA and ODS (1 of 3) [[REP4-025](#)] (2 of 3) [[AS-015](#)] (3 of 3) [[APP-101](#)] the Site has limited flood risk primarily concentrated along watercourses for which a minimum 8m buffer is secured by the Work Plan [[APP-007](#)]. All watercourses across the Site are ordinary watercourses under the purview of the Council as Lead Local Flood Authority (LLFA), although the Lostrigg Beck in the north of Area C becomes an EA watercourse after exiting the Site through a culvert under the Branthwaite Edge Road.
- 6.6.12 The Applicant and the Council engaged on the drainage strategy and the assessment of flood risk prior to submission. The outcome is captured in the SoCG [[REP5-020](#)] (CC.LLFA.1 – CC.LLFA.10), the LIR [[REP2-058](#)] (section 13), and the Council's EXQ2 Response [[REP4-030](#)] to Q2.3.4, all of which confirm support for the Applicant's approach to assessing flood risk, the ODS, and OCEMP controls (including the approach to watercourse crossings). The nature-based solutions approach to drainage has also been agreed with NE [[AS-030](#)] (NE8), and the assessment of flood risk, the ODS, and OCEMP controls are supported by the EA [[AS-032](#)] (EA1-4, EA10-12, and EA 16).
- 6.6.13 The drainage strategy and protection/management of watercourses is also supported by the CWT due to their interest in water quality and watercourses

as habitats [REP5-025] (see CWT4). Ecological and water quality benefits are also acknowledged by the EA (EA5, EA14, and EA17)

- 6.6.14 Despite pre-Examination agreement with the LLFA on flood risk, a key topic of interest for the EA has been the assessment of flood risk at the confluence of Site watercourses with the Lostrigg Beck main river, and the sufficiency of the EA mapping relied on by the FRA. The EA's RR [RR-017] requested further hydraulic analysis to confirm the baseline and associated mitigation.
- 6.6.15 The provision of the FRA Appendix D – Hydraulic Analysis [REP2-024], and further engagement with the EA on additional control measures incorporated into the OSD reinforcing the sequential approach to design (the mitigation hierarchy), enabled the EA to affirm the appropriateness of the Applicant's evidence base, management of flood risk, and the drainage strategy in the ODS and OCEMP. On this basis the Applicant considers that all matters relating to flood risk and the water environment (including on and off-Site flood risk and ecological effects) and fully resolved.

Traffic and Transport

- 6.6.16 The Site has good connectivity with routing which avoids sensitive locations, and benefits from existing established access (Work No. 4) which provide safe access with no major upgrades required. And, due to the Work No. 2 on-Site grid connection, there is no need for a distributive off-Site cable route, and only a need to cross Gilgarran Road to connect Areas A and B to Area C. Therefore works in/to the highways (as identified on the Streets and Access Plans [AS-008] and Traffic Regulation Measures Plan [AS-009]) are relatively limited, and the Applicant's approach to these works is supported by the Council (see SoCG [REP5-020] at CC.LM.1).
- 6.6.17 The Applicant notes that the ExA appears to be satisfied in respect to the ES Appendix 2.5 Transport Statement (TS) [REP4-025] assessment and the Outline Construction Traffic Management Plan (OCTMP) [REP2-025] approach to mitigation and management given that no questions or WRs have been received on this matter beyond the early clarification provided on the HGV and LGV numbers (see AREQ1 [REP2-010] at Table 11,1 for Q10.0.1).

- 6.6.18 The Council, as the LHA, has expressed support for the Applicant's approach in their initial RR [AS-004], in the LIR [REP2-058] (section 14) and in their EXQ2 Response [REP4-030] to Q2.3.4 in relation to transport effects on residential amenity. The SoCG affirms the methodology and conclusions of the TS (CC.LHA.2-3), CTMP strategies to minimise the impacts (CC.LHA.4-5 and 11), and the access locations (CC.LHA.7).
- 6.6.19 While the Council's support has been evident from the start, further work was required during the Examination due to NH [RR-010] concerns for the capacity of the Lillyhall Roundabout. In response the Applicant agreed a methodology with NH and undertook additional surveys. Outcomes were provided in TS Appendix F – Appraisal of Traffic Surveys at Lillyhall Roundabout [REP4-028].
- 6.6.20 The NH SoCG [AS-034] (at NH8) confirmed that these surveys addressed their concerns and the SoCG, as-a-whole, confirms NH support for the Proposed Development's approach to transport matters. This, along with the Council's support, supports the Applicant's position that all matters relating to traffic, transport, and highways impacts are resolved.
- 6.6.21 The Applicant notes that while this matter has not been contentious, the ExA has asked questions on this topic in relation to the dDCO. This can be seen in AREQ1 Table 12.1 responses to Q11.0.10-13, ARISH [REP3-015] responses to Items 1(b)-(c), and at the ISH (see WSOS-ISH [REP5-010] Table 2.1 for Items 1(h),(j), and (l) and ARAP-ISH [REP5-013] Table 2.1 for APs 10 and 12) (see also the Council WSOS [REP5-029] response to 1(i)). While the Applicant considers these responses, and lack of objection from the Council as the highways undertaker means this matter should be satisfactorily resolved, some further discussion is provided in ACS section 7.

6.7 Cumulative Effects

Cumulative Schemes

- 6.7.1 Whilst not contentious, consideration of cumulative schemes has been a regular aspect of the Examination. This has been in relation to Lostrigg Solar, which was withdrawn as a DCO scheme but may come forward under the Town and Country Planning Act, and has influenced various environmental

topics. The Applicant has addressed Lostrigg Solar in the AREQ1 [REP2-010] response to Q4.0.6 and the ARISH [REP3-015] for Item 2(a). The Applicant's position, accepted by IPS such as NH and the Council, is that although concurrent construction of the schemes is unlikely, the ES has appropriately assessed the cumulative effects, including the worst case of fully concurrent construction periods, and included mitigation measures for this where relevant.

- 6.7.2 The topic was also an issue following the Council's pre-Examination of an additional 31 schemes for the Applicant to consider, as noted in the LIR [REP2-058] (see section 5) and the AREQ1 response to Q4.0.7).
- 6.7.3 The Applicant considered these schemes and provided an assessment in the ARLIR-1 [REP3-008] as the Appendix A – Cumulative Schemes Note. This confirmed that there was no change to the cumulative assessment as outlined in the ES (See ES Chapter 2 – EIA Methodology [APP-033] section 2.6 and ES Chapter 11 - Cumulative Effects and Residual Effects Summary [APP-042]) and was provided along with an update to ES Figure 2.1 – Cumulative Schemes within 10km of Order Limits [REP3-025]. A further response was also provided in the AREQ2 [REP4-005] response to Q2.3.1.
- 6.7.4 The assessment confirmed there are no likely significant cumulative effects resulting from the Proposed Development and these additional schemes. This was subsequently affirmed by the Council ExQ2 Response [REP4-030] for Q2.3.2 (cumulative schemes) and Q2.3.3 (on the Applicant's position in the ARLIR). Agreement with the Council on cumulative schemes is also set out in the SoCG [REP5-020] at CC.LPA.7, CC.LHA.10, CC.L.3, and CC.L.12.

Potato Pot Wind Farm

- 6.7.5 The Potato Pot Wind Farm (the Wind Farm) has been a subject of questions, WRs, and as a matter at the ISH, including:
- The AREQ1 [REP2-010] response to Q4.0.8 addressed the overlap between the planning permission for the Wind Farm and the land within the Order Limits for the Proposed Development, and Chapter 6, 7, and 8 were updated with additional consideration of the worst-case effects association with the Wind Farm decommissioning.

- A RR on behalf of Potato Pot Wind Farm Ltd [REP2-061] expressing concerns about conflict, particularly for potential repowering.
- The ARISH [REP3-015] response to Item 3(c) provides further detail on the anticipated timeline of the Wind Farm's operational lifetime and decommissioning and reinforces the position that the Proposed Development has taken into account the Wind Farm's requirements; and,
- The ARAP-ISH [REP5-013] response to AP21 relating to potential conflicts with the Wind Farm outside its red line boundary.

6.7.6 While the Wind Farm has been the subject of questions relating to how it has been dealt with across the ES, and on practical matters relating to implementation and management of the Proposed Development (infrastructure and landscaping) and the Wind Farm's decommissioning and/or repowering, the Applicant considers this issue has been thoroughly addressed by the Applicant's submissions, and that this position is reinforced by the second WR on behalf of Potato Pot Wind Farm [AS-039] confirming that HoT have been agreed between parties and previous concerns are alleviated.

6.8 Other Topics

Permissive Paths

- 6.8.1 There are no Public Rights of Way (PRoW) on or around the Site with potential to be affected by the Proposed Development. However, opportunity for public access was a main issue in pre-application public consultation and the Applicant has responded to this by proposing two permissive path routes (indicative locations shown on the LSP [REP2-046]) which align with the DAD's [APP-029] Project DPs PE.1-3. This has since been the subject of Examination inquiry with the Applicant providing further explanation of current and proposed access arrangements in the AREQ1 [REP2-010] response to Q1.0.5 and in the ARISH [REP3-015] on how the permissive paths will be secured and managed via the OLEMP [REP5-016]. The Applicant has also confirmed that the permissive paths will be footpaths and there is and will be no equestrian access (see WSOS-ISH [REP5-010] for Item 6 (d.1).
- 6.8.2 The Applicant considers that the permissive paths are an important part of the Proposed Development's green infrastructure strategy. This is reinforced

across SoCG including with the Council [REP5-020], HE [REP5-022], and CWT [REP5-025] which confirm multifunctional benefits including:

- Improved connectivity, opportunities for outdoor recreation, and health and wellbeing benefits for residents (agreed with the Council at CC.LPA.2);
- Improved accessibility access to nature, and features of interest across the Site, with the potential to increase awareness of the status of the CWS and the reasons for its designations (as agreed with the Council at CC.LPA.2 and CWT at CWT5); and
- Facilitating public access to, and knowledge of, the Stone Circle and Cairn as a benefit to the public and as a positive effect on heritage assets (agreed with the Council at CC.AH.6 and HE at HE.4).

Education, Employment, and Skills

- 6.8.3 The Proposed Development's provision for education, employment, and skills has been the subject of ExA questions (see AREQ1 [REP2-010] and Council [REP2-059] responses to Q7.0.1) and was raised by the Council's LIR [REP2-058] (see section 15). This encouraged the Applicant to go further to secure opportunities for education, employment, and skills during the construction and operation of the Proposed Development and was the subject of ongoing engagement between the parties as to how this could be achieved.
- 6.8.4 As a result of this engagement the Applicant looked to incorporate realistic and realisable commitments within the control documents and consulted with the Council on updates to the OCEMP [AS-026] (see sections 4.8 and 13.5) and OOMP [AS-024] (see sections 3.10 and 5.4) and made updates to the content based on their feedback. Following this, the matter has been agreed in the SoCG [REP5-020] at CC.LPA.11. On this basis the Applicant considers this matter is resolved and meets the expectations of Council policy.

Good Design

- 6.8.5 Over the course of the Examination the Applicant was questioned on the extent to which the DPD [APP-028] supports good design with respect to aesthetic considerations. Responses are set out in the AREQ1 [REP2-010] for Q3.0.2, the ARISH [REP3-015] for Item 34(a), and the ARAP-ISH [REP5-

013] for AP26. The Applicant's position is reinforced by the Council's support as per their WSOS [**REP5-029**] which confirms (for Agenda Item 3(a):

- 6.8.6 The Council is generally satisfied with the Applicant's approach to design as set out in the submitted documents and accepts that detailed design matters can be agreed satisfactorily under requirement 3 of the DCO. The Council accepts that some design matters are difficult to define at this stage until a final design layout has been confirmed
- 6.8.7 The Applicant's responses reflect the DAD's [**APP-029**] DP V.2 whereby the Applicant has aimed to set '*...reasonable expectations of the Proposed Development grounded in what can be tangibly delivered*' such that the DPD provides an appropriate amount of detail on design for the application stage. Applicant responses on this topic have set out the DPD's primary purpose of informing the Rochdale Envelope for the ES assessment and provides sufficient parameters for the detailed design to be provided in association with DCO Requirement 3. The DPD constrains where necessary, while supporting the flexibility require for deliverability, and provides a foundation for further engagement with the Council and other stakeholders to refine the design through pre-application engagement, and this approach is agreed with the Council (see SoCG at C.LPA.9).

7 Final Draft Development Consent Order

7.1 General position on the dDCO

- 7.1.1 The Applicant considers that the dDCO [D6.3] reflects best practice in drafting, and incorporates relevant precedent from made DCOs, including the Orders for solar NSIPs made over the last two years. The Applicant has deviated from some solar DCO precedent where necessary and justified to tailor the dDCO to meet the requirements of the Proposed Development, with justification for this approach included in the Explanatory Memorandum (EM) [D6.6].
- 7.1.2 The Applicant has responded to various questions and actions from the ExA and the Applicant's responses are set out the following documents:
- AREQ1 [REP2-010] - Table 12.1 for Q11.0.1 - 11.0.22 and Q11.1.1;
 - ARISH [REP3-015] - Table 2.1 for Items 1(a) - 1(d) and 2(a) - 2(g);
 - ARCAH [REP3-016] - Table 2.1 for Items a.1-5 and b.1 – d.1;
 - AWSOS-ISH [REP5-010] - Table 2.1 for Agenda Items 1(a) – 1(o);
 - ARAP-ISH [REP5-013] - Table 2.1 for APs 1-15 (See also Annex A - Stonestreet Green DCO comparison) and Table 3.1 for APs 23-24;
 - AWSOS-CAH [REP5-011] - Agenda Items 3(a.3-7) and 1(k)-(m);
 - ARAP-CAH [REP5-014] - Table 2.1 for APs 1 and 8-11; and,
 - Applicant Response to R17 Letter and ExASoC. [D6.7].
- 7.1.3 The EM explains the justification for the inclusion of all the powers in the dDCO. The final Schedule of Changes to the dDCO [D6.4] sets out all the changes made to the dDCO during the Examination. The Applicant has also submitted a comparison document [D6.3] of the D6 dDCO compared with the March 2025 version [APP-012]. This has been prepared to allow, in a single document, a holistic view of all changes made during the Examination.
- 7.1.4 Over the Examination the Applicant has responded to stakeholder feedback and has made amendments to the dDCO, including to provide for consultation with specified statutory bodies prior to the discharge of Requirements (for example, the EA on Requirements 4 and 8 and NE for Requirements 7 and 8).

- 7.1.5 The Council has agreed that the Requirements in Schedule 2 of the dDCO, and the associated outline management plans, secure the necessary controls to mitigate the anticipated effects of the Proposed Development (CC.LPA.10 of [REP5-020]). The Applicant has agreed protective provisions with United Utilities. There are no outstanding issues regarding the drafting of the dDCO with any third parties who have been involved in the Examination process.
- 7.1.6 It is the Applicant's position that, notwithstanding some of the recent points raised by the ExA in the R17 Letter and ExASoC, the final version of the dDCO submitted at D6 has resolved all substantive matters raised during the Examination. In the section below the Applicant has summarised the key outstanding matters raised by the ExA relating to the dDCO.

Article 3 (Development consent etc. granted by this Order)

- 7.1.7 The Applicant has set out its response to the ExA's questioning on this article in the ARAP-ISH [REP5-013] AP6, AWSOS-ISH [REP5-010] Item 1(c) and AREQ1 [REP2-010] Q11.0.3. In summary, the Applicant has maintained its position that the drafting of Article 3(1), including the exclusion of the wording 'within the Order Limits' is necessary and appropriate to reflect the limited powers within the dDCO which permit development outside of the Order Limits, being Articles 20 (*Protective works to buildings*), 21 (*Authority to survey and investigate land*) and 42 (*Felling or lopping of trees and removal of hedgerows*). These articles, routinely included in DCOs, are necessary to support the delivery of the Proposed Development.
- 7.1.8 The drafting of the scope of the articles is highly precededented as set out in the response to AP6. The drafting of Article 3(1) is precededented in Article 3(1) of The London Luton Airport Expansion Development Consent Order 2025, Article 3(1) of The A122 (Lower Thames Crossing) Development Consent Order 2025 and Article 3(1) of The Gatwick Airport (Northern Runway Project) Development Consent Order 2025. Whilst these are not energy DCOs, the point at hand is a drafting matter and not a project/industry type consideration.

Article 12 (Application of the 1991 Act)

- 7.1.9 The Applicant has set out its response to the ExA's questioning on this article in ExASoC [D6.7], ISH AP10 of ARAAP-ISH [REP5-013], Agenda Item 1(b)

of ARISH [REP3-015], and Q11.0.10 of AREQ1 [REP2-010]. In summary, the disapplication of these provisions of the New Roads and Street Works Act 1991 (the 1991 Act) (which are designed primarily to regulate the carrying out of street works by utility companies in respect of their apparatus) is appropriate given the specific authorisation given for those works by the Order (particularly Article 3 and Schedule 1), and the provisions in the Order (including the Requirements) which would regulate the carrying out of street works under the Order. For the avoidance of doubt, the disapplication of the provisions of the 1991 Act is heavily preceded in non-solar DCOs. There is also made solar DCO precedent in Article 11(4) of the recently made Helios Renewable Energy Project Order 2025.

Article 41 (Planning Permission)

- 7.1.10 The Applicant has explained why this article is necessary in the AWSOS-ISH [REP5-010] (Agenda Item 1(o)) and in the AREQ1 [REP2-010] for Q11.0.20. In summary, it is necessary to ensure the dDCO and other local planning permissions can coexist without enforcement conflicts arising or creating a situation in which either the DCO or the planning permission is then deemed to be unlawful. The rationale for this article arises from the Supreme Court's decision in *Hillside Parks Ltd v Snowdonia National Park Authority* [2022] UKSC 30 and is particularly relevant to the Proposed Development because there is an existing planning permission for the Wind Farm (ref: 2/2012/0594) which is within the Order limits for the Proposed Development.

Biodiversity Net Gain

- 7.1.11 The Applicant has responded to the ExASoC suggestion to include a new BNG Requirement. As set out in section 6.4 above (and in the AREQ2 [REP4-004] for Q2.1.2) the Applicant's position is that the minimum BNG figures are already appropriately secured via Requirement 7 OLEMP. The Applicant's position is, therefore, that it is not necessary for a specific BNG related requirement in the dDCO. However, should the Secretary of State be inclined to include an amendment, the Applicant, without prejudice to its position that such a requirement is not required, has set out in its response to the ExASoC [D6.7] its preferred drafting, being an amendment to existing Requirement 7 (*Landscape and ecological management plan*).

8 Conclusion

8.1.1 The limited residual effects of the Proposed Development set out in ES Chapter 11 – Cumulative Effects and Summary [[APP-042](#)] do not outweigh the substantial benefits of the Proposed Development, and do not represent an unacceptable risk that would deliver greater benefits than adverse effects, and would contribute to addressing the urgent national need for renewable energy to reduce the carbon emissions associated with power generation.

There is a clear and compelling case for the application to be granted.

8.1.2 The key strategic benefits of the Proposed Development include:

- Energy security – the Proposed Development will reduce the UK’s increasing domestic energy production.
- Reliability – the Proposed Development will provide a significant and reliable energy output.
- Affordability – solar is a low-cost type of energy generation and will decrease reliance on more expensive forms of energy generation.

8.1.3 The Proposed Development will also feature extensive green infrastructure enhancements which will bring about a substantial biodiversity net gain, a net environmental gain, water quality betterment, and new permissive paths which will provide health and wellbeing benefits.

8.1.4 Compliance with national and local legislation and policy is demonstrated by the PS, and the Council’s LIR [[REP2-058](#)] is supportive, with any outstanding matters resolved during the Examination and agreed via the SoCG. The Applicant also notes that final SoCG with all matters agreed are provided for all consultees, which reflects the Applicant’s positive stakeholder engagement and resolution of all main issues.

8.1.5 Overall, it is the Applicant’s position that, the urgent need for the Proposed Development, which attracts substantial weight, and the very limited number of residual significant adverse impacts which have been mitigated appropriately in accordance with policy, result in the planning balance being overwhelmingly in favour of the grant of development consent.