



Dean Moor Solar Farm

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on behalf of **FVS Dean Moor Limited**

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**DEAN MOOR SOLAR FARM
APPLICANT RESPONSE TO REQUEST FOR INFORMATION 2
PLANNING INSPECTORATE REFERENCE EN010155
PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED**

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Contents

1	Introduction.....	1
2	Applicant Response to Request for Information Letter	2

Tables

Table 2.1	Applicant Response to the Second Request for Information	2
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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 On 2 June 2026 the Secretary of State (SoS) for the Department of Energy Security and Net Zero (DESNZ) published a second Request for Information Letter (RFIL-2) [[LINK](#)]. The RFIL-2 set a 16 June 2026 response deadline. This Applicant Response to RFIL-2 [**PES.2**] is submitted as a response to the SoS inquiries directed to the Applicant.
- 1.1.3 The RFIL-2 requests further information from the Applicant in relation to the proposed grid connection and the extension of benefit in the draft Development Consent Order (dDCO) [[REP6-006](#)] to third parties and Statutory Undertakers (SUs) and the compulsory acquisition and relocation of SUs’ apparatus. The Applicant is further requested to explain and justify the inclusion of various dDCO Articles and Schedules. The RFIL-2 goes on to invite Electricity North West Limited (ENW) to make any comments it may have on the Applicant’s provisions.
- 1.1.4 Table 2.1 below sets out the Applicant’s response to the RFIL-2.

2 Applicant Response to Request for Information Letter 2

Table 2.1 Applicant Response to the Second Request for Information

SoS RFIL-2	Applicant Response
<p>2. Grid Connection <i>The Applicant is requested to specify any outstanding consents and land rights, outside the DCO, required to connect the generating station to the Grid.</i></p>	<p>As detailed in the Grid Connection Statement [APP-176], the Proposed Development will connect into the grid and export via on-Site 132kv electricity infrastructure which is owned, operated, and managed by ENW, as the Distribution Network Operator (DNO) and statutory electricity undertaker. The Applicant has accepted a grid connection offer (Reference No. 5500241249H) (the Connection Agreement) from ENW for the connection and associated works to connect the generating station to on-Site ENW infrastructure and the export of electricity generated on-Site to the ENW distribution network. The dDCO [REP6-006] includes works to facilitate the grid connection within the Order Land, and no new off-Site cable route is required outside of the Site to connect the generating station to the grid.</p> <p>The Applicant’s Final Land Rights and Negotiations Tracker (LRNT) [REP6-004] and written submissions during the Examination, including the Applicant Response to CAH Action Points (ARAP-CAH) [REP5-014] for Item a.1 confirm that the Applicant has secured agreements with the owners of the Order Land, including for the land required for works as described in Schedule 1 of the draft DCO for the on-Site grid connection.</p> <p>As per the LRNT, the option agreements effectively secure the main parts of the Site for the Proposed Development, including the land required for works necessary for the grid connection, with only residual interests outside their scope (e.g. highways, leases, or SU interests).</p> <p>As the statutory electricity undertaker ENW owns apparatus within the Order Limits (e.g. overhead lines (OHL) and pylons). The Applicant is not seeking to acquire apparatus, only land within which ENW owns apparatus. The dDCO includes protection for SUs such as ENW at part 4 of Schedule 14 (protective provisions) to which ENW have not objected. The Connection Agreement between the Applicant and ENW has secured the connection to this on-Site ENW infrastructure.</p> <p>The Applicant will remain in discussion with ENW with regards to the carrying out of works by the Applicant near to its pylons, OHLs, or relevant apparatus generally as a matter of practice, in accordance with relevant safety standards, and as part of the detailed design of the on-Site grid connection infrastructure and connection works subject to the Connection Agreement,</p>

SoS RFIL-2	Applicant Response
	<p>which will advance post-consent. While detailed specifications of DNO engineering and safety requirements cannot be known at this stage, it is certain that the works to connect the generating station to the grid will occur wholly on-Site, and on land where the Applicant has already secured rights.</p> <p>While the potential for future land rights agreements cannot be wholly ruled out, the Applicant does not anticipate any such agreements being required beyond the natural extension to the existing option agreements (e.g. exercising the lease rights), and considers that the existing agreements with the main land owners provide the land rights required for the grid connection.</p> <p>The Applicant considers that there will be requirements for secondary consents outside the DCO for construction activities generally, and specifically for grid connection. The Consents and Agreements Position Statement (CAPS) [APP-025] identified known consents and agreements that are or may be required to construct and operate the Proposed Development outside of the powers sought within the dDCO.</p> <p>Of the consents set out in the CAPS relevant to the grid connection, an Electricity Generation Licence from OFGEM, in accordance with the Electricity Act 1989, must be secured. Further secondary consents could be required such as consent under s23 of the Land Drainage Act 1991 or permitting and agreement for Abnormal Indivisible Load (AIL) transport via highways authorities and other relevant bodies. Where the Applicant considers secondary consenting may be required, procedures are set out in control documents such as the Outline Construction Environmental Management Plan (OCEMP) [AS-026] and agreed with the relevant authorities in Statements of Common Ground (SoCG) such as with the Council [REP5-020] at CC.LLFA.7 and CC.LHA.9. and National Highways [AS-035] at NH3.</p> <p>While a potential need for additional consents beyond those identified in the CAPS cannot be wholly ruled out due to matters which could arise in the post-consent detailed design process, the Applicant is not aware of any additional consents that are needed or that could be required for the on-Site connection to ENW infrastructure.</p>
<p>3. Extension of Benefit to Third Parties and Statutory Undertakers</p> <p><i>The Applicant is requested to provide justification for the</i></p>	<p>Referenced drafting in Articles 25(1), 25(3), 28(5), 28(11), 28(12), 28(13), and 31 has been included in the dDCO [REP6-006] to enable the Applicant, as ‘undertaker’, to exercise DCO powers to directly vest the rights / restrictive covenants in a SU.</p> <p>The drafting in Articles 25(1) and (3) makes clear the Applicant may acquire rights over land, or impose restrictive covenants, for the benefit of a SU or other third parties.</p>

SoS RFIL-2	Applicant Response
<p><i>extension of the benefit of Article 25(1) and (3), to third parties and statutory undertakers, and the inclusion of Article 28(5), (11), (12), (13) and Article 31. In particular:</i></p> <ul style="list-style-type: none"> • <i>Explain how this approach is consistent with Article 7 (Benefit of the Order); and</i> • <i>Explain the circumstances in which these powers would be used for the benefit of statutory undertakers and third parties.</i> • <i>Identification of any relevant precedents (if possible) where similar provisions have been included.</i> 	<p>The drafting in Articles 28(5), (11), (12), and (13) makes amendments to the Compulsory Purchase (Vesting Declarations) Act 1981 ('the 1981 Act') intended to provide confirmation that the 1981 Act can be used to acquire rights and land on behalf of third parties, without the need to acquire the land or rights in favour of the Applicant and then transfer such land or rights to a third party.</p> <p>The drafting in Article 31 modifies the Compulsory Purchase of Land (Vesting Declaration) (England) Regulations 2017 to ensure that the interests and rights in land which are intended to benefit a third party, such as a SU in relation to its apparatus, will vest in that third party instead of the Applicant, who would otherwise be the 'acquiring authority' in respect of those interests and rights.</p> <p>This approach helps avoid the delay caused by subsequent transfers of land or rights to those who are intended to benefit from the acquisition.</p> <p>In the absence of these provisions, the transfer of the land to those third parties would be delayed requiring first the acquisition of the land and rights by the Applicant, registration at the Land Registry and then the subsequent transfer to the relevant third party and further registration at the Land Registry. Such a delay could give rise to unintended and undesirable consequences for example, preventing statutory undertakers accessing their assets.</p> <p>Article 7 of the dDCO provides that the Applicant has the benefit of the provisions of the Order. The approach provided for in Articles 25(1), 25(3), 28(5), 28(11), 28(12), 28(13), and 31 is not inconsistent with this position because it would be the Applicant exercising the DCO powers to directly vest the rights / restrictive covenants in the relevant SU.</p> <p>The drafting in Articles 25(1), 25(3), 28(5), 28(11), 28(12), 28(13), and 31 is justified for the Proposed Development because the Applicant may need to acquire rights for third parties. For example, rights in relation to utilities assets for SUs, specifically in relation to the grid connection works (Work No. 2) to vest rights in ENW if required, or in circumstances where other existing utilities may need to be diverted (including unforeseen diversions due to the discovery of previously unknown utilities discovered during the works).</p> <p>The Applicant notes that neither ENW, nor any of the other statutory undertakers with land/rights within the Order Limits, have raised any concerns with the DCO drafting. The Applicant also notes that the approach permitted by the drafting can be</p>

SoS RFIL-2	Applicant Response
	<p>favoured by many SUs because, where good relationships are established during implementation, the undertaker can obtain rights in their standard form with minimal engagement and cost.</p> <p>Similar provisions have been included in the following Orders:</p> <ul style="list-style-type: none"> • <i>Article 19 of The Heckington Fen Solar Park Order 2025;</i> • <i>Article 28(1), 31 and 32 of The A122 (Lower Thames Crossing) Development Consent Order 2025;</i> • <i>Article 29 of The A46 Coventry Junctions (Walsgrave) Development Consent Order 2026;</i> • <i>Article 27 of The London Luton Airport Expansion Development Consent Order 2025;</i> • <i>Article 33 of The Cambridge Waste Water Treatment Plant Relocation Order 2025; and,</i> • <i>Article 26(3) of the Lake Lothing (Lowestoft) Third Crossing Order 2020.</i> <p>The Applicant recognises that whilst not all the Orders referenced are for solar developments, the drafting is applicable to solar farm schemes such as the Proposed Development.</p> <p>The Applicant would also note that many made solar DCOs include drafting which enables powers for the acquisition of new rights or the imposition of restrictive covenant to be transferred to SUs. This includes</p> <ul style="list-style-type: none"> • <i>Article 23 of The Springwell Solar Farm Order 2026</i> • <i>Article 23 of The Fenwick Solar Farm Order 2026</i> • <i>Article 2 of The Helios Renewable Energy Project Order 2025</i> • <i>Article 25 of The Stonestreet Green Solar Order 2025</i> • <i>Article 23 of The Tillbridge Solar Order 2025</i> • <i>Article 23 of The Byers Gill Solar Order 2025</i> • <i>Article 19 of The Oaklands Farm Solar Park Order 2025</i> • <i>Article 22 of The East Yorkshire Solar Farm Order 2025</i> • <i>Article 2 of The West Burton Solar Project Order 2025</i>

SoS RFIL-2	Applicant Response
	<ul style="list-style-type: none"> • Article 20 of The Gate Burton Energy Order 2024 • Article 22 of The Mallard Pass Solar Farm Order 2024; and, • Article 22 of The Cottam Solar Project Order 2024. <p>The Applicant requests that the Secretary of State makes the draft Order incorporating the relevant drafting in Articles 25(1), 25(3), 28(5), 28(11), 28(12), 28(13), and 31.</p>
<p>4. Compulsory Acquisition of Statutory Undertaker Apparatus</p> <p><i>The Applicant is requested to explain if compulsory acquisition of statutory undertaker land (Article 35a) is required for the purposes of constructing, operating, maintaining, or decommissioning the authorised development. If the Applicant cannot provide such explanation, they should confirm that no such acquisition powers are necessary.</i></p>	<p>The Secretary of State will note the affected SUs, their respective land interests, and the extent of compulsory powers sought by the Applicant, in Table 2 of the Final Land and Rights Negotiations Tracker (LRNT) [REP6-004].</p> <p>The Applicant requires land specified in the LRNT for constructing, operating, maintaining, or decommissioning the Proposed Development. Protective provisions at Schedule 14 to the dDCO [REP6-006] protect the interests of SUs and, at close of Examination, the Applicant is not aware of any SU objections to the dDCO compulsory acquisition powers.</p> <p>The following SUs are identified in the Book of Reference ('BoR') [REP6-017] and corresponding Land Plans [AS-007] as having known interests in land within the Order Limits (either through ownership of land, or through ownership of apparatus):</p> <ul style="list-style-type: none"> • Cumberland Council – No objection, agreement noted on land in the SoCG [REP5-020] at CC.LM.1; • Electricity North West Limited – No objection, protected via protective provisions; • Environment Agency – No objection, agreement noted on land in the SoCG [AS-032] at EA15; • Northern Gas Networks Limited – No objection, protected via protective provisions at Schedule 14, Part 1; • Openreach Limited – No objection, protected via protective provisions at Schedule 14, Part 2; and, • United Utilities Group PLC – No objection, protected via protective provisions at Schedule 14, Part 4. <p>The Applicant requests that the Secretary of State make the draft Order with the necessary compulsory powers, including Article 35(a).</p>

SoS RFIL-2	Applicant Response
<p>5. Relocation of Statutory Undertaker Apparatus</p> <p><i>The Applicant is requested to explain if relocation of statutory undertaker apparatus is required (Article 35b) for the purposes of constructing, operating, maintaining, or decommissioning the authorised development. If the Applicant cannot provide such explanation, they should confirm that no such works are necessary.</i></p>	<p>Article 35(b) is included in the draft Order [REP6-006] on a precautionary basis in case a Statutory Undertaker (SU) and/or the Applicant identifies a need for temporary or permanent relocation during the detailed design phase. The affected SU would be protected in line with the protective provisions at Schedule 14 of the dDCO.</p> <p>This well-precedented approach has been endorsed by the SoS on several other made DCOs including, Article 28 of the Heckington Fen Solar Park Order 2025, Article 31 of the Mallard Pass Solar Farm Order 2024, and Article 31 of the Cottam Solar Project Order 2024. The Applicant is not aware of any objections to the inclusion of these powers in the draft Order.</p> <p>The Applicant has sought to identify all potentially affected SUs and assets as part of its diligent enquiry exercise. However, as the Secretary of State will be aware, unmapped apparatus is sometimes identified during the construction phase. This article protects such apparatus and allows the Applicant to fully implement the Proposed Development without hindrance. This is proportionate and precedented power is required to avoid constraining the Proposed Development.</p> <p>The Applicant requests that the Secretary of State make the Order with the necessary powers to allow for relocation, including Article 35(b).</p>
<p><i>The Applicant is requested to provide a clear justification for the inclusion of Article 35(c) and (d) (statutory undertakers) within the draft DCO. This should include:</i></p> <ul style="list-style-type: none"> <i>Reasons specific to the Proposed Development, clearly identifying the apparatus that may be affected; and</i> 	<p>Articles 35(c) and (d) are included in the dDCO [REP6-006] on a precautionary basis. These articles permit the Applicant to cross or construct over existing apparatus. The relevant Statutory Undertaker's (SU) interests are protected by the protective provisions at Schedule 14 to the DCO. These powers are proportionate and necessary for the purposes of constructing the Proposed Development. As set out above, some apparatus is not identified until the construction phase. These powers permit the Proposed Development to be implemented without hindrance, while protecting the interests of SUs.</p> <p>The Secretary of State will note the specific SUs and plots set out in Table 2 of the Final Land and Rights Negotiations Tracker [REP6-004] (as per the Book of Reference ('BoR') [REP6-017] and corresponding Land Plans [AS-007])</p> <p>Some SUs, including Electricity North West Limited, own apparatus (as described in the BoR) that may be impacted by the Proposed Development. While these articles permit the Applicant to cross over or under such apparatus, this is subject to the protective provisions. The Applicant is not aware of any objections to the inclusion of these powers in the draft Order.</p>

SoS RFIL-2	Applicant Response
<ul style="list-style-type: none"> • <i>Identification of any relevant precedents (if possible) where similar provisions have been included.</i> 	<p>Relevant precedents with the same or similar drafting include:</p> <ul style="list-style-type: none"> • The Stonestreet Green Solar Order 2025 (see Article 35(d)) • The London Luton Airport Expansion Development Consent Order 2025 (see Article 36 (d) & (e)) • The Southampton to London Pipeline Development Consent Order 2020 (see Article 34 (d) & (e)) • The Gatwick Airport (Northern Runway Project) Development Consent Order 2025 (see Article 40 (d) & (e)) <p>The Applicant requests that the Secretary of State make the Order with the necessary powers to allow for works, including Article 35(c) and (d).</p>
<p>7. Justification for Article 37 - (Acquisition of Wayleaves, Easements and other Rights)</p> <p><i>The Applicant is requested to provide an express legal basis and clear justification for the inclusion of Article 37 (acquisition of wayleaves, easements and other rights) within the draft DCO. This should include:</i></p> <ul style="list-style-type: none"> • <i>Relevant powers under the Planning Act 2008;</i> • <i>Reasons specific to the Proposed Development; and</i> • <i>Identification of any relevant precedents</i> 	<p>Draft DCO [REP6-006] Article 37 (Acquisition of Wayleaves, Easements and other Rights) gives effect to Schedule 12. This Schedule makes provision for the Applicant to act on behalf of SUs in acquiring wayleaves, easements or other rights necessary to divert or relocate utilities for the purpose of the Proposed Development.</p> <p>The power is within the scope of section 120(3) Planning Act 2008, being a provision relating to, or to a matter ancillary to, the Proposed Development.</p> <p>The drafting itself draws upon the drafting of equivalent powers which benefit electricity, gas, water, sewerage and telecoms undertakers under the Electricity Act 1989, the Gas Act 1986, the Water Industry Act 1991, and the Communications Act 2003.</p> <p>These existing statutory powers have been adapted only insofar as is necessary to enable the Applicant, as undertaker, to act on behalf of such SUs in seeking wayleaves through a compulsory process should they be needed in future.</p> <p>Save for the fact that all consideration or compensation due to landowners is required to be payable by the undertaker (rather than the relevant SU), the processes involved are otherwise unchanged and continue to reflect the statutory requirements and safeguards on the use of such powers.</p> <p>Experience has shown that SUs can be reluctant to exercise their own powers to acquire easements or wayleaves even where this would facilitate the Applicant's delivery of a project, due to the time, expense and compensation involved.</p>

SoS RFIL-2	Applicant Response
<p><i>where similar provisions have been included.</i></p>	<p>The proposed Article 37 and Schedule 12 would provide an option which may be useful in some circumstances to both the Applicant, as undertaker, and the relevant SU and may only be exercised where the relevant SU gives their consent to the undertaker. It would facilitate the timely and efficient implementation of the Proposed Development, and the diversion or relocation of utilities where required, both of which are in the public interest.</p> <p>This drafting is preceded in Article 34 and Schedule 12 of the Stonestreet Green Solar Order 2025, and Article 44 and Schedule 18 of The Sizewell C (Nuclear Generating Station) Order 2022. Similar provisions have also been included in Article 23(4) and Schedule 10 of The Tillbridge Solar Order 2025, and in the draft DCO of the Peartree Hill Solar Farm (EN010157).</p> <p>Reflecting the above, it is the Applicant's belief that the inclusion of this schedule is becoming more common amongst applications currently in the system.</p> <p>Finally, the Applicant also notes that the Nuclear Regulatory Review 2025¹ produced by a taskforce led by John Fingleton (the Fingleton Review) recommended that the Model Provisions should be reinstated to help solve common problems occurring in the consenting of NSIPs and specifically recommended that this provision should be included (see recommendation 28).</p> <p>The Government has endorsed the recommendations made in the Fingleton Review and has committed to implementing them as quickly as possible.</p> <p>The Applicant requests that the Secretary of State makes the Order with the necessary powers to allow for the Acquisition of Wayleaves, Easements and other Rights, included in Article 37.</p>
<p>8. ENW is invited to provide any comments it may have on the acceptability of these provisions.</p>	<p>Not applicable to the Applicant</p>

¹ <https://assets.publishing.service.gov.uk/media/692080f75c394e481336ab89/nuclear-regulatory-review-2025.pdf>