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Ref: EN 010155

Daniel Kiremidjian  
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127 Cheapside  
London  
EC2V 6BT

2 July 2026

Dear Mr Kiremidjian,

## **PLANNING ACT 2008**

### **APPLICATION FOR DEVELOPMENT CONSENT FOR THE DEAN MOOR SOLAR FARM**

*This decision was made by Minister Whitehead, on behalf of the Secretary of State for Energy Security and Net Zero*

#### **1. Introduction**

- 1.1. I am directed by the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) to advise you that consideration has been given to the Examining Authority’s (“ExA”) report dated 2 April 2026. The ExA consisted of one examining inspector, Mr Matthew Woodward. The ExA conducted an Examination into the application submitted on 26 March 2025 (“the Application”) by FVS Dean Moor Limited (“the Applicant”) for a Development Consent Order (“DCO”) (“the Order”) under section 37 of the Planning Act 2008 (“the 2008 Act”) for the Dean Moor Solar Farm and associated development (“the Proposed Development”). The Application was accepted for Examination on 15 April 2025. The Examination began on 22 July 2025 and closed on 5 January 2026. The Secretary of State received the ExA’s Report of Findings and Conclusions and Recommendation to the Secretary of State (“the ExA’s Report”) on 2 April 2026.
- 1.2. On 1 May 2026, the Secretary of State sent a letter seeking information, requesting that the Applicant and an Interested Party, 12 Property FE Limited, provide an update on the status of their negotiations in respect of land rights and land use matters. In a further information request, on 2 June 2023, the Secretary of State requested that the Applicant identify any outstanding consents and land rights required outside the Order for the grid connection. The Secretary of State also asked the Applicant to provide justification and precedents supporting the inclusion and use of non-standard provisions relating to third-party and statutory undertaker powers, compulsory acquisition, relocation of apparatus, and acquisition of rights. In addition, the Distribution Network Operator, Electricity North West, was invited to comment on the acceptability of the proposed provisions.

- 1.3. The Order, as applied for, would grant development consent for the construction, operation and maintenance and decommissioning of a ground-mounted solar photovoltaic energy generating station with a gross electrical output capacity exceeding 50MW, and associated development including: substations, a control building, Point of Connection to the local distribution network infrastructure and electrical equipment, communications masts, electrical cabling and connecting infrastructure, internal access tracks and highway access works, temporary construction compounds, security and monitoring infrastructure, operational and maintenance facilities, drainage and irrigation works, landscaping, green infrastructure, biodiversity mitigation and enhancement measures, permissive paths, noise attenuation works and all ancillary works and infrastructure [ER 1.3.7 to 1.3.14 ]. While the Application is for over 50 MW, the scheme has been designed to enable an export capacity of up to 150 MW. The proposed development is located wholly within the English administrative area of Cumberland Council [ER 1.3.2].
- 1.4. The Applicant also seeks compulsory acquisition (“CA”) and temporary possession (“TP”) powers [ER 6.1.1], set out in the draft Order submitted with the Application.
- 1.5. Published alongside this letter on the Planning Inspectorate’s National Infrastructure Project website<sup>1</sup> is a copy of the ExA’s Report of Findings and Conclusions and Recommendation to the Secretary of State (“the ExA’s Report”). The ExA’s findings and conclusions are set out in Chapters 3 to 5 of the ExA’s Report, and the ExA’s summary of conclusions and recommendation is at Chapter 8. All numbered references, unless otherwise stated, are to paragraphs of the ExA’s Report [“ER \*.\*.”].

## 2. Summary of the ExA’s Report and Recommendation

- 2.1. The principal planning issues considered during the Examination on which the ExA has reached conclusions on the case for development consent are set out in the ExA’s Report under the following broad headings [ER 3.1.8]:
  - The principle of the development;
  - Design including alternatives and site selection;
  - Landscape and visual;
  - Biodiversity and ecology;
  - Historic environment;
  - Noise;
  - Highways, transportation and access; and
  - Other planning matters.
- 2.2. The ExA recommended that the Secretary of State should grant **development consent** for the Proposed Development with an Order in the form attached at **Annex D** to the ExA’s Report [ER 8.3.1].
- 2.3. This letter should be read alongside the ExA’s Report. Except where stated otherwise below, the Secretary of State agrees with the findings, conclusions and recommendations of the ExA, and adopts the ExA’s reasoning in support of the decision.

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<sup>1</sup> <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010155>

### **3. Summary of the Secretary of State's Decision**

- 3.1. The Proposed Development comprises a generating station which generates electricity directly from sunlight, is not an offshore installation and has the capacity in excess of 50 megawatts ("MW"). It therefore falls within sections 14(1) and 15 of the Planning Act 2008 (the "2008 Act") as a Nationally Significant Infrastructure Project ("NSIP") and requires development consent pursuant to section 31 of the 2008 Act [ER 1.1.2 et seq.]. Although the Infrastructure Planning (Onshore Wind and Solar Generation) Order 2025 (the "2025 Order") subsequently increased the threshold for solar generating stations to 100MW, that change does not apply in this case as the Application was submitted before the 2025 Order came into force.
- 3.2. Section 104(2) of the 2008 Act requires the Secretary of State, in deciding an application, to have regard to any relevant National Policy Statement ("NPS") which has effect in relation to development of the description to which the Application relates, along with Local Impact Reports ("LIRs") and other important and relevant matters. Subsection (3) requires that the Secretary of State must decide the Application in accordance with the relevant NPS except to the extent that one or more of subsections (4) to (8) apply. The Secretary of State has determined this Application in accordance with the relevant NPSs and has concluded that subsections (4) to (8) are not applicable in this case.
- 3.3. The Secretary of State has considered the overall planning balance and, for the reasons set out in this letter, has concluded that the public benefits associated with the Proposed Development outweigh the harm identified, and that development consent should therefore be granted.
- 3.4. The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting consent for the proposals in the Application. This letter is a statement of the reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and the notice and statement required by regulations 31(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations").
- 3.5. In making the decision, the Secretary of State has complied with all applicable legal duties and has not taken account of any matters which are not relevant to the decision.

### **4. The Secretary of State's Consideration of the Application**

- 4.1. The Secretary of State has considered the ExA's Report and all other material considerations, including representations received after the close of the ExA's Examination and responses to the Secretary of State provided during the decision-making stage. 17 Relevant Representations were made during the Examination in respect of the Application [ER 1.4.1]. Written Representations, responses to questions and oral submissions made during the Examination were also taken into account by the ExA.
- 4.2. The Secretary of State has had regard to the LIR submitted by Cumberland Council, environmental information as defined in regulation 3(1) of the EIA Regulations and to all other matters which are considered to be important and relevant to the Secretary of State's decision as required by section 104 of the 2008 Act. This includes policies set out in the NPSs EN-1, EN-3 and EN-5 as designated on 17 January 2024 ("the 2024 NPSs")

which are “relevant” NPSs in respect of the Application for the purposes of section 104(2) of the 2008 Act.

- 4.3. On 6 January 2026, the Government published updates to NPSs EN-1, EN-3 and EN-5, which will be collectively known as the “2025 NPSs”. The Secretary of State notes that, in accordance with the transitional provisions set out in section 1.6 of NPS EN-1, the amendments in the 2025 NPSs will have effect only in relation to those applications for development consent accepted for examination after the final publication of those amendments. As this Application was accepted for examination prior to the final publication of those amendments, the 2024 suite of NPSs had effect for the ExA’s consideration of this Application and recommendation. Whilst the 2025 NPSs do not have effect for this Application, they are capable of being important and relevant considerations in the Secretary of State’s decision-making process. The Secretary of State has therefore had regard to the 2024 NPSs in reaching this decision.
- 4.4. The Secretary of State has also had regard to the National Planning Policy Framework (“NPPF”) released in February 2025 and the revised draft NPPF released on 16 December 2025. The Clean Power 2030 Action Plan was published on 13 December 2024 and sets out a pathway to a clean power system. The Secretary of State had regard to these publications and finds that there is nothing contained within them which would lead him to reach a different decision on the Application.
- 4.5. The Secretary of State also recognises the 15 May 2024 Written Ministerial Statement regarding the use of Best and Most Versatile land as an important and relevant consideration for this Application.
- 4.6. The Secretary of State agrees with the ExA’s conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:
  - The principle of the development – substantial positive weight [ER 3.2.22].
  - Design including alternatives and site selection – neutral weight [ER 3.3.23].
  - Landscape and visual (including cumulative effects) – moderate negative weight [ER 3.4.104].
  - Biodiversity and ecology – moderate positive weight [ER 3.5.56].
  - Historic environment – moderate negative weight [ER 3.6.75].
  - Noise – neutral weight [ER 3.7.24].
  - Highways, transportation and access – neutral weight [ER 3.8.23].
  - Other planning matters:
    - Ground conditions, minerals and soils – neutral weight [ER 3.9.17]
    - Flood risk and water environment – neutral weight [ER 3.9.28]

- Socio-economics – little positive weight [ER 3.9.39].

- 4.7. The Secretary of State notes that the weighting descriptors used by the ExA differ from those laid out in page 175 of the 2024 NPS EN-1. Having reviewed the ExA’s considerations and conclusions, the Secretary of State considers that where the ExA has referred to ‘little’ weight, this can be equated to ‘limited’ weight, and ‘very great’ equated to ‘substantial’. The ExA noted that the NPSs use ‘substantial weight’ and stated that this was the same as ‘very great’ weight in their report [ER 3.1.3]. The Secretary of State will use the descriptors as laid out in NPS EN-1 when ascribing his weightings in this decision letter and whilst the terminology used will differ to this limited extent, the difference in terminology does not indicate a disagreement with the ExA unless this is specifically stated.
- 4.8. The paragraphs below set out the matters where the Secretary of State has further commentary and analysis to add beyond that set out in the ExA’s Report, including those matters on which further information has been sought. These matters comprise:
- Need for the Proposed Development, including greenhouse gas emissions;
  - Visual effects on the Lake District National Park;
  - Impacts on cultural heritage;
  - Impacts on biodiversity; and
  - Compulsory acquisition of land and rights.

#### The Principle of Development

- 4.9. The ExA considered the need for the Proposed Development under the broader heading of the principle of the development in which it also considered matters of scope, scale and output, and the approach taken to design [ER 3.2.1]. The Secretary of State notes that the ExA also considered matters of climate change and the reduction in greenhouse gas (“GHG”) emissions as an intrinsic part of considering the needs case [ER 3.2.1]

#### Need

- 4.10. The ExA concluded that the Proposed Development would make a meaningful contribution towards meeting the urgent national need for low carbon electricity generation and the decarbonisation of the electricity grid [ER 3.3.21]. In reaching this conclusion, the ExA noted that the Proposed Development would comprise a renewable energy generating scheme of over 50MW, designed to maximise the available 150MW grid connection capacity, with the potential to generate up to 134GWh of electricity annually. The ExA considered that the Proposed Development would support national objectives relating to energy security, reliability and affordability of supply, and concluded that, the identified need for the Proposed Development should be afforded substantial positive weight in accordance with NPS EN-1 [ER 3.2.22].

### *The Secretary of State's Conclusion*

- 4.11. The Secretary of State agrees with the ExA's findings in respect of the need for the Proposed Development and its anticipated climate change benefits. The Secretary of State is satisfied that the Proposed Development would contribute materially towards the delivery of low carbon electricity generation and the achievement of national net zero objectives. The Secretary of State therefore agrees with the ExA, and in accordance with paragraph 3.2.7 of NPS EN-1 (2024), ascribes substantial positive weight to the need for this development.

### Greenhouse Gas Emissions

- 4.12. In the consideration of the principle of development, the ExA noted that the Applicant had assessed greenhouse gas emissions in ES Chapter 9 [APP-040]. However, the ExA requested the Applicant update the assessment to enable a more comprehensive lifecycle approach in line with paragraph 5.3.4 of NPS EN-1 [ER 3.2.13]. In response, the Applicant submitted a Carbon Emissions Lifecycle Assessment ("CELA") [REP5-028] during the Examination, to be read alongside Environmental Statement ("ES") Chapter 9. This assessment included consideration of embodied carbon across the full lifecycle of the Proposed Development.
- 4.13. Following receipt of the CELA, the ExA was satisfied with the Applicant's estimates that, following the implementation of mitigation measures, lifecycle carbon savings will be at least 31,000tCO<sub>2</sub>e over the 40-year operational lifetime of the Proposed Development, which represents a beneficial effect [ER 3.2.20; ER 5.3.4].

### *The Secretary of State's Conclusion*

- 4.14. The Secretary of State agrees with the Applicant's assessment of GHG emissions and considers that the anticipated carbon savings represent a beneficial effect of the Proposed Development. The Secretary of State considers GHG emissions to be a key factor in the weight ascribed to the need for the Proposed Development, as the delivery of low carbon energy generation which reduces emissions to support net zero is inherently tied to the urgent need case outlined in NPS EN-1.
- 4.15. The Secretary of State notes paragraphs 5.3.6 and 5.3.7 of NPS EN-1 state that applicants should look for opportunities to mitigate GHG emissions in the design and that these steps and further mitigation should be explained in a GHG Reduction Strategy secured under the Order. The Secretary of State is satisfied that this mitigation will be secured through design measures and a suite of management plans secured in the DCO under Requirement 7 (Landscape and Ecology Management Plan) Requirement 4 (Construction Environmental Management Plan) Requirement 5 (Construction Traffic Management Plan) Requirement 11 (Operational Management Plan), and Requirement 13 (Decommissioning Management Plan), which collectively form a GHG strategy in all but name.
- 4.16. The Secretary of State agrees with the ExA that, notwithstanding GHG emissions associated with construction and embodied carbon, the Proposed Development would deliver significant net carbon savings over its operational lifetime.

## Landscape and Visual Effects

4.17. In the ES [REP2-032], the Applicant concluded that there would be no significant landscape effects on the Lake District National Park (“LDNP”), including its Special Qualities and landscape character. However, the ES identified moderate (significant) adverse visual effects at a limited number of receptors (high fell viewpoints within the National Park), arising from the very high sensitivity of these receptors rather than from the scale or magnitude of the Proposed Development. The ExA [ER 3.4.82; ER 3.4.83] agreed with the overall findings of the ES and concluded there would be no significant effects on the landscape character of the LDNP. It acknowledged the presence of significant visual effects from certain viewpoints but considered that such effects are limited to a small number of elevated locations within a much larger designated landscape and therefore concluded that overall landscape and visual effects on the LDNP would not be significant. The ExA also noted agreement between the LDNP Authority and the Applicant that there would be minor adverse visual effects on the National Park as a whole over the lifetime of the development, but that the LDNP Authority had agreed that potential effects have been minimised [ER 3.4.85]. The ExA [ER 3.4.104] subsequently considered that landscape and visual effects should carry moderate negative weight in the planning balance.

### *Secretary of State’s Conclusion*

4.18. The Secretary of State agrees with the ExA’s conclusions that a small number of high-sensitivity viewpoints would experience moderate adverse visual effects which would be reversible upon decommissioning. However, he concludes that there would be no significant adverse residual effects on the LDNP overall, consistent with the position of the LDNP Authority [REP5-032]. In relation to the overarching issue and landscape and visual effects, the Secretary of State agrees with the ExA that these effects should carry moderate negative weight in the planning balance.

### Lake District National Park Duty

4.19. In line with paragraphs 5.10.7–5.10.9 of NPS EN-1, the ExA [ER 3.4.49] considered the duty under section 11A of the National Parks and Access to the Countryside Act 1949 (“NPACA”), as amended by section 245 of the Levelling Up and Regeneration Act 2023 (“LURA”) as to whether the Secretary of State can be satisfied that measures seek to further the statutory purposes of National Parks are sufficient. This duty requires the Secretary of State to: (i) seek to further the purpose of conserving and enhancing the natural beauty of National Parks when exercising functions; and (ii) promote opportunities for the understanding and enjoyment of their special qualities by the public.

4.20. The ExA [ER 3.4.87] concluded that, considering there would be no significant landscape and visual effects on the LDNP as a whole, alongside mitigation measures to avoid and reduce such effects as detailed in the Outline Landscape and Ecological Management Plan (“oLEMP”), the purpose of conserving the natural beauty of the LDNP would be met. It further noted the absence of significant effects on heritage assets, contributing to the discharge of the statutory duty. The ExA concluded that NPS EN-1 and the statutory duty had been satisfactorily addressed [ER 5.2.17].

4.21. The ExA additionally considered that the Proposed Development’s contribution to climate change mitigation and net-zero supported the discharge of the duty by addressing long-term

risks to the National Park's statutory purposes, as recognised in the LDNP Management Plan.

### *The Secretary of State's Conclusion*

- 4.22. The Secretary of State has considered the statutory obligation on decision makers to "seek to further" the relevant purposes of National Parks under section 11A of the NPACA, as amended by LURA. In discharging the duty, the Secretary of State has had regard to the ES, the views of the LDNP Authority, and the findings of the ExA.
- 4.23. The Secretary of State accepts the Applicant's conclusions and ExA's recommendation that, with the implementation of mitigation secured through the oLEMP, there would be no significant adverse residual landscape and visual effects on the LDNP as whole. The Secretary of State also notes the LDNP Authority's [REP3-017] view that there are not any other reasonable measures which could be taken to further the statutory purposes of the LDNP and that the Secretary of State can therefore be content that the duty in section 11A has been complied with.
- 4.24. On this basis, the Secretary of State considers that the statutory duty is met through the conservation of the LDNP's natural beauty, secured by embedded and additional mitigation. The effects identified in the ES are of very low magnitude in the context of the LDNP as a whole, do not materially alter landscape character, and will be reversible. The Secretary of State considers that the duty to conserve and enhance does not require minor adverse effects to be offset by enhancement measures and he is satisfied that enhancement measures are not necessary in this case.
- 4.25. The Secretary of State does not agree with the ExA that the climate change benefits of the Proposed Development should be relied upon to discharge either the 'conservation' or 'enhancement' aspects of the section 11A duty and has therefore not taken this into account in reaching this conclusion.

### Cultural Heritage

#### Assessment of significant effects to designated heritage assets

- 4.26. In its ES [REP2-027], the Applicant concluded that there would be residual moderate (significant) adverse effects on the setting of two designated heritage assets during operation: the Stone Circle and Cairn Scheduled Monument within the Order Limits, and Wythemoor Sough (grade II listed stables and barn), located approximately 160 metres northwest of the Order Limits. The Applicant assessed that this would result in a moderate level of less than substantial harm to both assets. This conclusion was not disputed by any IP at the close of the Examination.
- 4.27. In respect of the Stone Circle and Cairn, the ExA agreed with the Applicant's assessment. It noted that, although mitigation measures (including siting infrastructure on lower ground, maintaining separation distances, and incorporating landscaping) would reduce visual intrusion, the scale, proximity, and modern appearance of the Proposed Development would nevertheless remain intrusive and would erode the monument's historic relationship with its undeveloped surroundings. The ExA further considered that additional mitigation, such as further landscaping or the removal of infrastructure, would either harm the asset's open

moorland setting or undermine the viability of the scheme. It therefore concluded that the Applicant had reasonably exhausted mitigation options. Overall, the ExA found that there would be a moderate (significant) adverse effect, equating to a moderate level of less than substantial harm, to which great weight should be afforded in the planning balance [ER 3.6.60].

- 4.28. In respect of Wythemoor Sough, the ExA also agreed with the Applicant's assessment. It acknowledged that, as the Proposed Development would be located downslope to the south and east, it would alter part of the asset's rural setting but would retain a substantial proportion of the surrounding open countryside, thereby preserving its broader agricultural context. However, due to the proximity, scale, and modern characteristics of the infrastructure, it would be clearly visible and incongruous with the rural character, resulting in unavoidable adverse effects notwithstanding the proposed landscaping mitigation. The ExA further noted that reducing the extent of solar infrastructure to avoid such impacts would likely compromise the generating capacity of the scheme. Overall, it concluded that the Proposed Development would result in a moderate (significant) adverse effect, amounting to a moderate level of less than substantial harm, which should be afforded great weight in the planning balance [ER 3.6.64].
- 4.29. Therefore, the ExA concluded that cultural heritage should carry moderate negative weight in the planning balance [ER 3.6.76].

#### *The Secretary of State's Conclusion*

- 4.30. The Secretary of State has had regard to the relevant policies in NPS EN-1, in particular paragraphs 5.9.28, 5.9.33 and 5.9.36. These require that great weight is given to the conservation of designated heritage assets, irrespective of the level of harm; that where a proposal would lead to less than substantial harm this must be weighed against the public benefits of the proposal; and that, where development would adversely affect the setting of a heritage asset, great weight should be given to those negative effects.
- 4.31. The Secretary of State agrees with the conclusions of IPs, the Applicant and the ExA that, notwithstanding embedded and additional mitigation, the Proposed Development would give rise to significant adverse effects on the settings of these designated heritage assets.
- 4.32. The Secretary of State agrees with the ExA that the Proposed Development would result in a moderate level of less than substantial harm to the significance of these designated heritage assets. In accordance with paragraph 5.9.27 of NPS EN-1, the Secretary of State gives great weight to the conservation of these assets. In line with paragraphs 5.9.33 and 5.9.36, the Secretary of State has weighed this harm against the public benefits of the Proposed Development, including its contribution to energy generation and policy objectives as great weight is given the identified harm. The Secretary of State therefore attributes moderate negative weight to cultural heritage in the overall planning balance.

#### Biodiversity

- 4.33. In the Outline Landscape and Ecological Management Plan ("oLEMP") [REP5-016], Landscape Strategy Plan [REP2-046], and Biodiversity Net Gain ("BNG") Report [APP-157], the Applicant sets out that, within areas of the solar array, habitat will be enhanced from

'modified grassland' to 'other neutral grassland', making a significant contribution to its BNG commitment. This position was not disputed by any IP during the Examination.

- 4.34. While the ExA did not dispute this matter, it incorporated the Applicant's proposed minimum BNG percentages within Requirement 7(2) of the DCO, consistent with previously consented DCOs and as outlined in the oLEMP (60% for area habitat units, 20% for hedgerow units, and 5% for watercourse units). In light of this voluntary commitment to BNG, the ExA attributed moderate positive weight to biodiversity within the planning balance [ER 3.5.56].

#### *The Secretary of State's Conclusion*

- 4.35. The Secretary of State acknowledges that, in the absence of established industry guidance, the enhancement of grassland from 'modified' to 'neutral' underneath solar panels remains an emerging and debated ecological issue.
- 4.36. The Secretary of State notes that the Applicant's commitment to achieving a minimum BNG of 60% for area habitat units is based on a precautionary, worst-case assessment of achievable outcomes [REP5-016; REP4-004]. Furthermore, sections 3.3 and 6 of the oLEMP include measures designed to support successful delivery of this commitment, including regular monitoring, annual reporting, and the implementation of remedial measures where 'other neutral grassland' fails to establish as anticipated.
- 4.37. While the Secretary of State recognises that the establishment of 'other neutral grassland' beneath solar panels is subject to ongoing debate, he welcomes the Applicant's voluntary commitment to deliver such enhancements. He is satisfied that, should these measures fail, sufficient controls are secured within the relevant management documents to enable corrective action.
- 4.38. The Secretary of State considers that, for these enhancements to be relied upon and afforded positive weight in the planning balance, he agrees with the ExA that the minimum BNG percentages should be secured within Requirement 7(2) of the DCO in which a LEMP substantially in accordance with the oLEMP must be approved and implemented. On this basis, the Secretary of State is satisfied that the Applicant will achieve the BNG outcomes set out in the oLEMP and, accordingly, affords this matter moderate positive weight in the planning balance.

## **5. Habitats Regulations Assessment**

- 5.1. The Secretary of State has undertaken a Habitats Regulations Assessment ("HRA") and has carefully considered the information presented during the Examination, including the Shadow Habitats Regulations Assessment [REP5-018] as submitted by the Applicant, the ES [APP-031] to [APP-175] representations made by IPs including NE, and the ExA's Report.
- 5.2. The Secretary of State considers that when considered alone and in-combination with other plans or projects, the Proposed Development has potential to result in Likely Significant Effects due to pollution, siltation, changes in species distribution or disturbance and/or loss of functionally linked land, on the following sites:

- River Derwent and Bassenthwaite Lake SAC

- Solway Firth SPA

5.3. The Secretary of State has undertaken an Appropriate Assessment in respect of the Conservation Objectives of the above protected sites to determine whether the Proposed Development, either alone or in-combination with other plans or projects, will result in an Adverse Effect on Integrity of these protected sites. Based on the information available to him and subject to the mitigation measures as secured in the Order, the Secretary of State is satisfied that the Proposed Development, either alone or in-combination with other plans or projects, will not adversely affect the qualifying features of the protected sites. The full reasoning is set out in the HRA which has been published alongside this decision letter.

## **6. Compulsory Acquisition**

- 6.1. The ExA set out the relevant legislative and guidance framework [ER 6.4.1 et seq] which they applied in their assessment. None of the land included in the compulsory acquisition (“CA”) request is, National Trust Land, Crown Land, open space or common land [ER 6.2.2].
- 6.2. The ExA confirmed that the powers sought include the acquisition of land and interests (including freehold) the acquisition of new rights, the extinguishment or overriding of private rights, the acquisition of subsoil where necessary, the temporary use of land, and the acquisition of land or rights over land belonging to statutory undertakers, subject to protective provisions (“PP”), within the Order Limit as identified in the Land Plans and Book of Reference [ER 6.2.5].
- 6.3. The ExA concluded that the application site has been appropriately selected and that reasonable alternatives to CA have been explored. The Applicant has demonstrated that the necessary funds are available, with the Order providing a mechanism to secure that funding, and that there is a need for all land and rights included in the Book of Reference to be subject to CA or temporary possession. The ExA further concluded that the land and rights are required to construct, operate and maintain the Proposed Development within a reasonable timeframe, and that the Proposed Development would deliver a significant public benefit.
- 6.4. The ExA considered that the private loss would be appropriately mitigated through site selection, the minimisation of land take, the DCO Requirements, the inclusion of the mineral code where relevant, and protective provisions. Voluntary agreements have also been secured with most landowners. On that basis, the ExA was satisfied that the interference with land and rights is justified and necessary to enable the Proposed Development, and that the powers sought meet the requirements of sections 122 and 123 of the Planning Act 2008 and associated guidance, and, in respect of statutory undertakers, section 138 of the 2008 Act [ER 6.8.1].
- 6.5. Overall, the ExA concluded that there is a compelling case in the public interest for the acquisition of the land identified, and that the proposed interference with rights is necessary, lawful and proportionate. The ExA also concluded that the CA and temporary possession powers sought are compatible with the European Convention on Human Rights [ER 6.7.6].

### Objection to CA of Plots 1-26, 1-33, 1-35 and 1-38 in Respect of Mines and Minerals

- 6.6. During the examination, issues arose in relation to the proposed compulsory acquisition of plots 1-26, 1-33, 1-35 and 1-38. The Book of Reference registered that 12 Property FE

Limited (“12FE”) have an unknown interest in subsoil mines and minerals at these plots [ER 6.6.2 et seq.]. 12FE objected on the basis that the Proposed Development would affect its ability to exploit its mineral rights, if not prevent it entirely [ER 6.6.3].

- 6.7. The ExA noted the Applicant’s position that it has made reasonable and genuine attempts to acquire the interest through negotiation with 12FE [ER 6.6.4]. 12FE contended that the Applicant appeared to be seeking the use of CA powers as a matter of convenience rather than as a measure of last resort, and that the exercise of such powers would not be justified, particularly given that negotiations remained ongoing [ER 6.6.5; REP5-034].

#### *The ExA’s Conclusion on Subsoil Mines and Minerals Interests*

- 6.8. Notwithstanding that no agreement had been reached, the ExA noted that there was a clear audit trail of engagement in the land and rights negotiation tracker [REP6-004] and that the Applicant remained open to agreement [REP6-015]. The ExA was therefore satisfied that the Applicant has made reasonable attempts to acquire the necessary land and rights by agreement [ER 6.6.18]. The ExA was also satisfied that the Applicant had considered sufficiently alternatives design to mitigate impacts on IPs and noted that changing the design to remove the above cited plots would be to the detriment of visual mitigation relevant for other IPs [ER 6.6.11]
- 6.9. The ExA accepted that uncertainty as to the extent and ownership of mineral interests could remain at decision stage, and considered that this would be appropriately addressed through the mineral code and statutory compensation provisions [ER 6.6.12 et seq.]
- 6.10. The ExA considered that the incorporation of the mineral code (by virtue of article 23 of the DCO), together with the Requirements contained in the Order, would operate as important and targeted mitigation in the context of the current uncertainty regarding the extent and precise location of mineral resources within the plots, and the degree to which any such resources may be affected by the final design and landscaping of the proposed development through the lifetime of development [ER 6.6.15].

#### *The Secretary of State’s Request for Information*

- 6.11. On 1 May 2026, the Secretary of State requested an update from the Applicant and 12FE on the status of negotiations in respect of land rights and land use matters. Both parties confirmed that no progress had been made in this regard, with 12FE maintaining its objection to the Proposed Development on the basis that negotiations to secure compensation had not been adequately progressed or concluded (C1-002 and C1-003)
- 6.12. On 2 June 2026, the Secretary of State requested further information from the Applicant on the proposed grid connection, including any outstanding consents and land rights required outside the DCO, and justification for several non-standard provisions within the draft Order. These included the extension of certain powers to third parties and statutory undertakers, the need for compulsory acquisition and potential relocation of statutory undertaker apparatus, and the inclusion of specific articles relating to statutory undertakers and the acquisition of wayleaves and rights. The request also sought views from the relevant Distribution Network Operator (Electricity North West) on the acceptability of these provisions; however, no response was received from this IP. The Applicant responded to the second information request on 15 June 2026. The Secretary of State has considered the

Applicant's response and his conclusions as to these provisions are set out at section 9 (Modifications to the draft Order) below.

*The Secretary of State's Conclusion on Subsoil Mines and Minerals Interests*

- 6.13. The Secretary of State has had regard to the responses received and objections raised by Affected Parties.
- 6.14. While noting that some negotiations remain ongoing, the Secretary of State agrees with the ExA that the powers sought in relation to 12FE are necessary to enable the Proposed Development. The Secretary of State is satisfied that the incorporation of the mining code and statutory compensation regime (secured by Article 23 of the DCO), provides appropriate protection for their interests.
- 6.15. The Secretary of State notes that the mineral code ensures that mines and minerals are not acquired unless they must necessarily be extracted or used in the construction of the Proposed Development, and that it preserves the ability of mineral owners to work those minerals, subject to notice, inspection and compensation provisions. The Secretary of State considers that this provides an appropriately proportionate framework for managing any interference with mineral interests.

*The ExA's Conclusion on Compulsory Acquisition*

- 6.16. The ExA was satisfied that the powers sought over all land identified in the Land Plans and Book of Reference are required for the Proposed Development, to facilitate it, or are incidental to it. The Examining Authority was further satisfied that the Proposed Development would make a substantial contribution towards meeting the established need for energy generation and that there is a compelling case in the public interest for the compulsory acquisition of the land. The Examining Authority therefore concluded that the requirements of sections 122(2) and 122(3) of the Planning Act 2008 are met.

*The Secretary of State's Conclusion on Compulsory Acquisition*

- 6.17. The Secretary of State considers that the benefits of the Proposed Development outweigh the potential adverse impacts on Affected Parties. The Secretary of State further considers that the proposed solar infrastructure, within the assessed parameters, is necessary to deliver the scheme and its wider benefits. The Secretary of State notes that excluding the affected plots from compulsory acquisition would hinder delivery of the landscaping strategy, including visual mitigation, biodiversity net gain and heritage protection, and that no reasonable alternative has been identified.
- 6.18. The Secretary of State agrees with the ExA's conclusions that CA powers, PPs, TP powers, powers authorising the CA of SUs land and rights over land, and the powers authorising the extinguishment of rights and removal of apparatus of SU's, should be granted, subject to the modifications set out at section 9 (Modifications to the draft Order) below.
- 6.19. The Secretary of State has no reason to believe that the grant of the Order would give rise to any unjustified interference with human rights so as to conflict with the provisions of the Human Rights Act 1998.

## **7. Secretary of State's Consideration of the Planning Balance and Conclusions**

- 7.1. The Secretary of State acknowledges the ExA's recommendation that the Secretary of State should grant consent in the form attached at **Appendix D** to the ExA's Report [ER 8.3.1].
- 7.2. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed to the various planning issues, and adopts that assessment in the overall planning balance.
- 7.3. All NSIPs will have some potential adverse impacts. In the case of the Proposed Development, most of the potential impacts have been assessed by the ExA as having not breached NPS EN-1 and NPS EN-3, subject in some cases to suitable mitigation measures being put in place to minimise or avoid them completely as required by NPS policy. The Secretary of State considers that these mitigation measures have been appropriately secured.
- 7.4. The Secretary of State concludes that development consent should be granted for the Dean Moor Solar Farm. The Secretary of State does not believe that the national need for the Proposed Development as set out in the relevant NPSs is outweighed by the Development's potential adverse impacts, as mitigated by the proposed terms of the Order.
- 7.5. In reaching this decision, the Secretary of State confirms that regard has been given to the ExA's Report, the relevant Development Plans, the LIR submitted by Cumberland Council, the NPSs, NPPF, PPG, and to all other matters which are considered important and relevant to the Secretary of State's decision as required by section 104 of the Planning Act 2008. The Secretary of State confirms for the purposes of regulation 4(2) of the EIA Regulations that the environmental information as defined in regulation 3(1) of those Regulations has been taken into consideration.
- 7.6. The Secretary of State has therefore decided to accept the ExA's recommendation to make the Order granting development consent, including the modifications set out in section 9 of this document.

## **8. Other Matters**

### Equality Act 2010

- 8.1. The Equality Act 2010 includes a public sector "general equality duty" ("PSED"). This requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not in respect of the following "protected characteristics": age; gender reassignment; disability; marriage and civil partnerships<sup>2</sup>; pregnancy and maternity; religion and belief; race; sex and sexual orientation.
- 8.2. In considering this matter, the Secretary of State (as decision-maker) must pay due regard to the aims of the PSED. This must include consideration of all potential equality impacts

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<sup>2</sup> In respect of the first statutory objective (eliminating unlawful discrimination etc.) only.

highlighted during the Examination. There can be detriment to affected parties but, if there is, it must be acknowledged and the impacts on equality must be considered.

- 8.3. The Secretary of State has had due regard to this duty and has not identified any parties with a protected characteristic that might be discriminated against as a result of the decision to grant consent to the Proposed Development.
- 8.4. The Secretary of State is confident that, in taking the recommended decision, the Secretary of State has paid due regard to the above aims when considering the potential impacts of granting or refusing consent and can conclude that the Proposed Development will not result in any differential impacts on people sharing any of the protected characteristics. The Secretary of State concludes, therefore, that granting consent is not likely to result in a substantial impact on equality of opportunity or relations between those who share a protected characteristic and others or unlawfully discriminate against any particular protected characteristics.

#### Natural Environment and Rural Communities Act 2006

- 8.5. The Secretary of State notes the “general biodiversity objective” to conserve and enhance biodiversity in England, section 40(A1) of the Natural Environment and Rural Communities Act 2006 and considers the Application consistent with furthering that objective, having also had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, when making this decision.
- 8.6. The Secretary of State is of the view that the ExA’s Report, together with the Environmental Impact Assessment considers biodiversity sufficiently to inform the Secretary of State in this respect. In reaching the decision to give consent to the Proposed Development, the Secretary of State has had due regard to conserving biodiversity.

### **9. Modifications to the draft Order**

- 9.1. The Secretary of State encourages the Applicant to consider an appropriate set of powers for the precise infrastructure sought. As set out in PINS Advice Note 15: drafting Development Consent Orders, in respect of draft wording used in previous DCOs, the Explanatory Memorandum should explain why particular wording is relevant to the proposed draft DCO, for example detailing what is factually similar for both the relevant consented NSIP and the Proposed Development. In this DCO the Secretary of State would have expected the Applicant to consider recent solar DCOs, and to explain any proposed use of provisions from DCOs from other contexts such as transport DCOs fully in their accompanying Explanatory Memorandum. The modifications below should be read in this context.
- 9.2. Accordingly, and following consideration of the recommended Order provided by the ExA, the Secretary of State has made the following modifications to the recommended Order:
  - Amendment to the Order preamble to replace section 105(2) with section 104(2) of the Planning Act 2008, as a national policy statement has effect in relation to the Proposed Development.
  - Amendments to article 2(1) (Interpretation) to include definitions for “date of decommissioning”, “traffic authority”, “Upper Tribunal” as the terms are referenced in the

requirements, article 17 and Schedule 10 respectively. Amendment to definitions of “apparatus” to ensure a broad definition and consistency with other DCOs. Amendment to “the Order limits” for clarification and to ensure consistency with other DCOs.

- Amendment to article 2(10) to limit the extent of the provision to statutory undertakers to ensure consistency with other DCOs.
- Deletion of articles 2(8), (9) and (11) as considered unnecessary.
- Deletion of article 2(12) as considered too broad and for consistency with other DCOs.
- Deletion of article 2(13) as considered too broad and for consistency with other DCOs.
- Deletion of paragraph 2 of article 3 (development consent etc. granted by this Order) as overly broad and for consistency with other DCOs.
- Amendment to article 5 (maintenance of authorised development) to insert a new paragraph (3) to address environmental assessment.
- Deletion of article 6 (maintenance of drainage works) to avoid inconsistency with existing statutory regimes and considered unnecessary.
- Deletion of paragraph 3 of article 9 (disapplication and modification of legislative provisions) on the basis that it is unnecessary.
- Deletion of paragraph 2 of article 10 (Defence to proceedings in respect of statutory nuisance) as it is not considered appropriate, and for consistency with other DCOs.
- Amendment to paragraph 3 of article 12 (application of the 1991 Act) to include section 71 of the 1991 Act to the list of provisions that apply in relation to the closure, alteration or diversion of a street pursuant to article 12(4).
- Deletion of paragraph 7 of article 13 (power to alter layout, etc. of streets) as not considered necessary.
- Amendment to article 18 (traffic regulation measures) to include a requirement to display a site notice prior to exercising the powers set out in articles 18(1) and (2).
- Articles 13 (power to alter layout etc. of streets), 15 (temporary closure or restriction of streets), 16 (access to works) and 18 (traffic regulation measures): insertion of new paragraphs (7) and (8) in article 13, (9) and (10) in articles 15 and 18, and paragraphs (3) and (4) in article 16, to provide that where consent is deemed to be given after a certain time period, that the undertaker must notify the relevant consenting authority of this provision at the time of the application. This is to ensure transparency and fairness.
- Article 19 (discharge of water): insertion of a new paragraph (5) to provide protection for main rivers.
- Article 20 (protective work to buildings): Amendment to paragraph (2) to clarify timing of protective work and amendment to paragraph (3) to remove the right to leave apparatus on land in connection with a survey as considered too broad and inconsistent with other DCOs.
- Amendment to article 21 (authority to survey and investigate the land) to clarify the nature of the right to survey the land and to remove the right to discharge water from sampling operations on to the land, for consistency with other DCOs.
- Articles 19 (discharge of water) and 21 (authority to survey and investigate the land): Insertion of new paragraphs (11) and (12) in article 19 and paragraphs (7) and (8) in article 21 to provide that where consent is deemed to be given after a certain time period, that the undertaker must notify the relevant consenting authority of this provision at the time of the application. This is to ensure transparency and fairness.

- Amendment to article 22 to include articles 26 (private rights over land) and 27 (power to override easements and other rights) in list of articles to which article 26 is subject.
- Article 23 (compulsory acquisition of land – incorporation of the mineral code): Deletion of 22(d) as not considered necessary.
- Amendment to article 24 (time limit for exercise of authority to acquire land compulsorily) to specify that the applicable period for the 1965 Act and the 1981 Act is five years beginning on the day on which the Order is made.
- Article 25 (compulsory acquisition of rights and imposition of restrictive covenants): deletion of the provision relating to the exercise of powers for the benefit of statutory undertakers or other persons as too broad, and insertion of new provisions enabling the transfer of certain powers to undertakers, with the Secretary of State’s consent, where required for apparatus, for consistency with other DCOs.
- Article 28 (application of the 1981 Act): removal of references to powers proposed to be exercised on behalf of third parties because they were considered too broad
- Article 31 (Modification of the 2017 Regulations): deletion of the provision relating to direct vesting of land and rights in third parties as not considered appropriate or necessary.
- Article 33 (temporary use of land for carrying out the authorised development): Amendment to article (1)(a)(ii) to ensure powers granted are within scope; insertion of new paragraph (2) to exclude the application of the article to any house or occupied building; amendment to paragraph (2) to extend notice period to 28 days for consistency with other DCOs; amendment to paragraph (4) to ensure that possession is for no longer than reasonably necessary, and; deletion of paragraph (3) which removed notice requirements in emergencies and (8) related to dispute resolution as neither considered necessary or appropriate.
- Article 35 (statutory undertakers): deletion of sub-paragraphs (c) and (d), as precautionary powers considered unnecessary and overly broad.
- Article 37 (acquisition of wayleaves, easements and other rights) and Schedule 12: deletion of references to Schedule 12 in Article 37 and deletion of Schedule 12 as considered too broad and unnecessary.
- Amendment of article 38 to provide an updated definition of “public utility undertaker” for consistency with other DCOs.
- Article 42 (certification of document): deletion of paragraph (2), as unnecessary.
- Article 44 (arbitration): Inclusion of new schedule 15 to include arbitration rules for consistency with other DCOs; amendment to stipulate that any decision of the Secretary of State is not subject to arbitration.
- Article 45 (requirements, appeal, etc.): deletion of paragraph (3), to avoid extending the Schedule 2 procedure beyond requirements.
- Article 47 (funding): amendments to extend the application of funding provisions to additional articles.
- Schedule 2 Part 1(requirements):
  - a. Amendment to paragraph 2 (time limits), for consistency with standard commencement periods;
  - b. Amendment to paragraph 3 (detailed design approval) to include additional details for approval;

- c. Amendment to paragraph 4 (construction environmental management plan) and paragraph 10 (soil management plan) to require consultation with the Mining Remediation Authority, and to include provision in paragraph 4 for the sharing of environmental survey and monitoring data.
  - d. Amendment to paragraph 7 (landscape and ecological management plan) to insert a new paragraph (3) providing for sharing of environmental survey and monitoring data.
  - e. Deletion of paragraph 16 (anticipatory steps towards compliance with any requirement) as considered unnecessary
  - Schedule 2 Part 2 (procedure for discharge of requirements):
    - a. Amendments to paragraph 18 (applications made under Part 1) to insert paragraphs (4) and (5) to provide that where consent is deemed to be given after a certain time period, that the undertaker must notify the relevant consenting authority of this provision at the time of the application. This is to ensure transparency and fairness.
    - b. Amendments to paragraph 19 (further information regarding requirements) relating to procedure and timeframes to ensure consistency with other DCOs.
  - Schedule 10 (modification of the compensation and compulsory purchase enactments for the creation of new rights and imposition of new restrictive covenants): deletion of paragraph 11 to remove the of application of the 2017 Regulations as it is considered unnecessary.
  - Schedule 14 (protective provisions) Part 3 (for the protection of drainage authorities): amendment to paragraph 18 inserting a new sub-paragraph 2 to prohibit the commencement of specified works until approval has been given by the drainage authority; deleting sub-paragraph 4; and amending sub-paragraph 3(c) to include protection of ordinary watercourses and flood prevention, for consistency with standard protective provisions.
  - Insertion of a new Schedule 15 (arbitration rules).
- 9.3. In addition to the above, the Secretary of State has made various changes to the recommended Order which do not materially alter its effect, including changes to conform with the current practice for statutory instruments and to achieve consistency with other DCOs, changes in the interests of clarity and changes to ensure that the Order has its intended effect. The Order, including the modifications referred to above, is being published with this letter.

## **10. Challenge to decision**

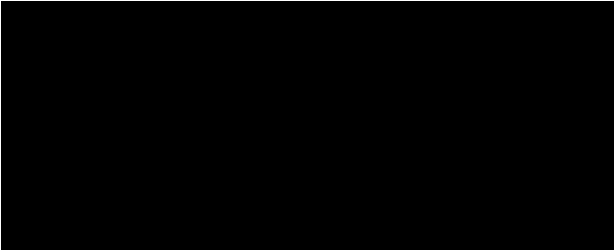
- 10.1. The circumstances in which the Secretary of State's decision may be challenged are set out in the Annex to this letter.

## **11. Publicity for decision**

- 11.1. The Secretary of State's decision on this Application is being publicised as required by section 116 of the Planning Act 2008 and regulation 31 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
- 11.2. Section 134(6A) of the Planning Act 2008 provides that a compulsory acquisition notice shall be a local land charge. Section 134(6A) also requires the compulsory acquisition notice to be sent to the Chief Land Registrar, and this will be the case where the Order is situated in an area for which the Chief Land Registrar has given notice that they now keep the local land charges register following changes made by Schedule 5 to the Infrastructure Act 2015.

However, where land in the Order is situated in an area for which the local authority remains the registering authority for local land charges (because the changes made by the Infrastructure Act 2015 have not yet taken effect), the prospective purchaser should comply with the steps required by section 5 of the Local Land Charges Act 1975 (prior to it being amended by the Infrastructure Act 2015) to ensure that the charge is registered by the local authority.

Yours sincerely,



David Wagstaff OBE

Head of Energy Infrastructure Planning

## **ANNEX A: LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS**

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of six weeks beginning with the day after the day on which the Order or decision is published. The decision documents are being published on the date of this letter on the Planning Inspectorate website at the following address:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010155>

**These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).**

## ANNEX B: LIST OF ABBREVIATIONS

Abbreviation	Reference
12FE	12 Property FE Limited
BNG	Biodiversity Net Gain
CA	Compulsory Acquisition
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ER or ExA's Report	Examining Inspector's Report of Findings and Conclusions and Recommendation to the Secretary of State for Energy Security and Net Zero
ES	Environmental Statement
ExA	Examining Authority
HRA	Habitats Regulations Assessment
LDNP	Lake District National Park
LIR	Local Impact Report
LURA	Levelling Up and Regeneration Act 2023
MW	Megawatt
NE	Natural England
NPACA	National Parks and Access to the Countryside Act 1949
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NPS EN-1	National Policy Statement for Energy
NPS EN-3	National Policy Statement for Renewable Energy Infrastructure
NPS EN-5	National Policy Statement for Electricity Networks Infrastructure
NSIP	Nationally Significant Infrastructure Project
oLEMP	Outline Landscape and Ecological Management Plan
PA2008 / the 2008 Act	Planning Act 2008
PP	Protective Provision
PPG	Planning Practice Guidance
PSED	Public Sector Equality Duty
SU	Statutory undertaker
The EIA Regulations	Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
The Habitats Regulations	Conservation of Habitats and Species Regulations 2017
The 2025 Order	The Infrastructure Planning (Onshore Wind and Solar Generation) Order 2025
TP	Temporary Possession