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11 September 2023

Dear Sir/Madam

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11
Application by FVS Dean Moor Limited (the Applicant) for an Order granting Development Consent for the Dean Moor Solar Farm (the Proposed Development) - Scoping consultation response from Cumberland Unitary Authority

1. Introduction

The Applicant has asked the Planning Inspectorate on behalf of the Secretary of State for its opinion (a Scoping Opinion) as to the information to be provided in an Environmental Statement (ES) relating to the Proposed Development.
The Planning Inspectorate has identified Cumberland Unitary Authority as a consultation body which must be consulted before adopting its Scoping Opinion and to:

- Inform the Planning Inspectorate of the information you consider should be provided in the ES; or
- Confirm that you do not have any comments.

2. Background

The Dean Moor Solar Farm comprises the construction, operation and maintenance, and decommissioning of a renewable energy generating project (the 'Proposed Development') on approximately 279.50 hectares ('ha') of land 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').

The Proposed Development has an expected energy generating capacity in excess of the 50 mega-watt ('MW') threshold for onshore generating stations in England and therefore constitutes a 'nationality significant infrastructure project' ('NSIP') under sections 14(1)(a) and 15(1) and (2) of the Planning Act 2008 ('2008 Act').

FVS Dean Moor Limited (the 'Applicant') intends to make an application for a Development Consent Order ('DCO') to authorise the Proposed Development.

The DCO will include a description of the Proposed Development and will be accompanied by an Environmental Statement ('ES') prepared in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations'), the development falling under Schedule 2 of the EIA Regulations.

The Applicant has prepared this Environmental Impact Assessment ('EIA') Scoping Report, which presents an initial review of the potential impacts associated with the construction, operation and maintenance, and eventual decommissioning of the Proposed Development.

The purpose of the Scoping Report is to request a formal Scoping Opinion from the Secretary of State for Energy Security and Net Zero ('SoS') in accordance with Regulation 10 of the EIA Regulations and to ensure a proportionate EIA.

An integral element of this Scoping Report is to consider the aspects which are not considered likely to be 'significant' and can therefore be scoped out of the ES in the interests of proportionality. The ES, which reports the proportionate EIA, will be based on the Scoping Opinion, informed by the recommendations of the consultees and the information contained within this Scoping Report.

3. Site Location and Description

The Site area extends to 279.50ha and is located approximately 1.1km east of the Lillyhall Industrial Estate, 6.5km east of the small village of Gilgarran,1.3km west of Branthwaite, and 6km southeast of Workington town centre on the west Cumbrian coast. The hamlet of BranthwaiteEdge is directly adjacent to the east of the Site.

The northern part of the Site boundary adjoins an unclassified road, hereafter referred to as "Branthwaite Road".

The southern part of the Site boundary abuts Dean Cross Road. The unnamed north/south road between Branthwaite Road and Dean Cross Road, forming the eastern boundary of much of the Site, is "Branthwaite Edge Road". The Site is bisected by an unclassified road between Gilgarran and Branthwaite Edge, hereafter referred to as the "Gilgarran Road".

Land within the Site is typical of the surrounding area; comprising undulating predominantly pastoral land which at times curtails views from the surrounding area, providing a feeling of containment.
Land within the Site tends to fall south to north, with a plateau of land along the Site's southern boundary lying at approximately 200m Above Ordnance Datum ('AOD'), falling relatively sharply initially by around 60m over a span of some 350m before taking on a more undulating form, falling to around 100m AOD at the northern boundary of Area A. Notable landscape features within the Site include woodland blocks of varying maturity and minor watercourses

The Site is divided primarily into three areas referred to Areas 'A', 'B', and 'C'.

- Area A – Land south of Branthwaite Road (approximately 44ha);
- Area B – Land south of Branthwaite Road and north of Gilgarran Road(approximately 19.6ha); and
- Area C – Land south of Gilgarran Road and north of Dean Cross Road (approximately 208ha).

The areas identified do not total the Site area of 279.50ha, as the Draft Order Limits also include land between these three areas, such as land associated with existing highways or wind turbines, where access improvements or buried cabling may be located.

The Site primarily consists of agricultural land, which is in intensive pastoral grazing use. Area C benefits from a historic Agricultural Land Classification ('ALC') survey recorded by Defra (Department for Farming and Rural Affairs).

There is an existing operational wind farm, known as 'Potato Pot Wind Farm' ('the Wind Farm') (planning ref. 2/2012/0594), which consists of three wind turbines and a control and services building located within Areas A and B.

The Proposed Development would include a new substation to connect to the existing 132 kilovolt ('kV') OHL which runs across Area C of the Site. There are various sections of 11kV OHL within the southern and northern parts of the Site.

4. Request for Scoping Opinion

The EIA Regulations specify which developments are required to undergo EIA and schemes relevant to the NSIP planning process are listed under either 'Schedule 1' or 'Schedule 2'. Those developments listed in Schedule 1 must be subject to EIA, while developments listed in 'Schedule 2' must only be subject to EIA if they are considered 'likely to have significant effects on the environment by virtue of factors such as its nature, size or location' (Regulation 3(1) of the EIA Regulations). The selection criteria for Schedule 2 development are set out in Schedule 3.
The Proposed Development is a 'Schedule 2' development under paragraph 3(a) of Schedule 2 of the EIA Regulations as it constitutes 'industrial installations for the production of electricity, steam and hot water' and is not a project listed in Schedule 1.

5. Consultation

The Applicant is required to conduct pre-application consultation in accordance with the 2008 Act and associated guidance and Regulations, which includes the EIA Regulations. For EIA 34641/A5/EIA Scoping 22 August 2023 development, the applicant must consult on preliminary environmental information listed in Regulation 14(2) of the EIA Regulations. This information should be reasonably sufficient for the consultation bodies to develop an informed view of the likely significant environmental effects of the development and any associated development.
A Preliminary Environmental Information Report ('PEIR') will be produced for the Proposed Development which will build upon findings from this Scoping Report. It will incorporate the findings of the surveys and initial assessments and will enable consultees to develop an informed view of any likely significant environmental effects of the Proposed Development. Feedback will be sought from the local communities and other stakeholders on the PEIR.

6. National Policy Statements

There is no current NPS that explicitly deals within solar or energy storage of the nature of the Proposed Development. Therefore, the DCO application for the Proposed Development would need to be determined by the SoS under Section 105 of the 2008 Act. Section 105 provides that the SoS must, in cases where no NPS has effect, have regard to many local impact report, any matters prescribed in relation to development of the description to which the application relates, and any other matters which the SoS thinks are both important and relevant to the decision.

In the event that the revised NPSs are not in place by the time the application is submitted, there are three current NPSs that are important and relevant to the determination of the DCO application for the Proposed Development:

i. Overarching NPS for Energy (EN-1) (July 2011)3 ('NPS EN-1'): Sets out a commitment for the UK to transition to a low carbon economy and establishes the national need for energy infrastructure. It also includes a series of Assessment Principles against which DCO applications for energy infrastructure should be determined.

ii. NPS for Electricity Networks Infrastructure (EN-5) (July 2011)4: Should be read in conjunction with NPS EN-1. This NPS sets out required assessments and technology-specific matters for consideration.

iii. NPS for Renewable Energy Infrastructure (EN-3) (July 2011)5 ('NPS EN-3'): Should be read in conjunction with NPS EN-1. NPS EN-3 provides the primary basis for decisions by the Secretary of State for Energy Security and Net Zero on applications for renewable energy NSIPs. Although NPS EN-3 (July 2011) does not specifically mention solar, as it is the adopted version, it is still deemed relevant to the Proposed Development.

The UK government published for consultation a suite of draft revised energy NPSs (EN-1 to EN-5) in September 2021. A further round of consultation on the revised drafts commenced in March 2023 and closed in June 2023.

The following provisions of the revised draft NPSs are relevant to the Proposed Development:

i. Revised (Draft) Overarching NPS for Energy (EN-1) (March 2023)6 ('Revised (Draft) EN-1'): This Overarching National Policy Statement for Energy (EN-1) is part of a suite of NPSs issued by the Secretary of State of Department for Energy Security and Net Zero. It sets out the Government's policy for delivery of major energy infrastructure to reach the legally binding net zero target by 2050, as set out in the Climate Change Act 2008 (2050 Target Amendment) Order 2019.
Revised (Draft) NPS EN-1 specifically addresses the role of solar, stating solar is one of the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply.
UK government analysis demonstrates that a secure, reliable, affordable, and net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.
It is also recognised that ensuring an affordable and reliable energy system today, and in the future, requires these technologies to be complemented by a means to supply electricity, or reduce demand, when the wind is not blowing or the sun does not shine.

ii. Revised (Draft) NPS for Renewable Energy Infrastructure (EN-3) (March 2023)7 ('Revised (Draft) EN-3'): Covers renewable energy infrastructure including solar PV above 50MW in England. Revised (Draft) NPS EN-3 recognises solar farms as one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation worldwide. It provides clear support for large scale solar development, stating that: 'the government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions. As such solar is a key part of the government's strategy for low cost decarbonization of the energy sector'. Furthermore, revised (Draft) NPS EN-3 recognises the important role solar will have in delivering the UK' energy goals for greater energy independence. The British Energy Security Strategy states that government expects a five-fold increase in solar deployment by 2035 (up to 70GW).
Revised energy NPSs are expected to be in place by the time the Applicant's DCO application is submitted. These will replace existing NPSs EN-1 to EN-5.

7. Local Planning Policy

As of 1 April 2023, Allerdale Borough Council ('ABC') merged with Copeland Borough Council and Carlisle City Council to become Cumberland Council, which is now the administrative authority where the Site is located. The Site is located within the former administrative boundary of ABC.

In March 2020, ABC agreed an action plan9 for tackling climate change. The motion adopted by ABC to address climate change set targets to ensure emissions from its estate and activities are carbon neutral by 2030. At the same time ABC ratified commitment to the Zero Carbon Cumbria Partnership and its net zero target for the whole county by 2037. In doing so, it committed to putting in place policies for ABC to support the Government's statutory obligation to achieve net zero by 2050.

The Allerdale Local Plan (Part 1) - Strategic and Development Management Policies was adopted in July 2014 and sets out a vision for ABC until 2029. The following policies are considered relevant to the Proposed Development:

- Strategic Policy S2: Sustainable Development Principles
- Strategic Policy S19: Renewable Energy and Low Carbon Technologies
- Other topic specific local planning policies that are considered relevant to the
- Proposed Development will be set out in respective disciplines throughout the
- PEIR and the ES.

8. Proposed Development

The Proposed Development will include the following key elements of infrastructure:

i. Solar PV modules;
ii. PV module mounting structures;
iii. Solar Inverters-Transformers;
iv. BESS equipment comprising Battery Units, Power Conversion Systems ('PCS'), and associated infrastructure;
v. Point of Connection ('POC') Compound comprising Customer and District Network Operator ('DNO') Substation buildings and external electrical equipment, and on-Site cabling;

vi. Perimeter Fencing (deer fence), Gates, CCTV cameras, and other ancillary infrastructure;
vii. Access tracks; and
viii. Landscape planting and ecological enhancements.

Additionally, during the construction and decommissioning phases, at least two temporary construction compounds will be required, along with temporary access tracks that may be required to facilitate construction, but they are not needed for the operational phase.

The compounds will be located within the Site, adjacent to Site entrances, to minimise heavy goods vehicle ('HGV') traffic within the Site. Internal access tracks will be required to facilitate the movement of operations and maintenance vehicles around the Site. Where possible, these will follow existing farm tracks around the Site and all tracks, whether only temporary for construction, or for the operational lifetime, will be of a fully permeable construction.

The design is expected to evolve throughout the EIA process, with infrastructure positioned to avoid or reduce significant effects on any specific designations or assets and, where appropriate, to respond to feedback from consultees and the public.

The technologies proposed as part of the Proposed Development (solar PV and BESS) are rapidly evolving, and the application will propose that an appropriate degree of flexibility is maintained to ensure best available technology can be utilised at the point of construction to maximise the benefits and implementability of the Proposed Development.

9. Solar PV Arrays

Solar PV arrays comprise solar panels placed on a mounting structure framework and arranged in rows (known as arrays), with gaps of approximately 4-6m between each row depending on field topography. Arrays would be oriented east-west across the Site, with the panel facades facing south, maximising the amount of solar radiation absorbed as the sun moves across the sky. The layout of the arrays would allow for landscaping, fencing and access tracks within the Site.

Framework posts would be pile-driven into the ground to a depth of up to 2- 2.5m below ground level ('BGL'), depending on pre-construction geotechnical surveys. This means no concrete is needed to secure the system and posts can be easily removed with no permanent impact after decommissioning. Alternatively, non-intrusive 'no-dig' mounting is available where required by ground conditions or below ground sensitivities.

At their lower edge, panels would be approximately 0.8m from the ground and up to approximately 3m at their higher edge. The positioning of arrays responds to existing physical features such as ditches, trees and hedgerows, with panels set back appropriate buffer distances as informed by technical guidance. No earth-moving or ground levelling is required.

10. Solar Inverter – Transformer

Inverters convert direct current ('DC') generated by the solar PV panels into alternating current ('AC'). Transformers then convert low voltage output from the inverters to high voltage suitable for feeding into the local electric distribution network. Two options for inverters and transformers are being considered for the Proposed Development.

Central inverter-transformer units would be located throughout the Site. Central inverters would be housed within prefabricated metal containers that are typically finished in a grey or green colour. The modular container solution means no permanent building is required which makes their removal at end of the Proposed Development's operational life easier. The total number of central inverter-transformer units required would be determined through the iterative design process.

Alternatively, the Proposed Development could use smaller string inverters which can be fixed to the rear of the array framework or positioned on a frame at the end of an array. If string inverters are utilised, then standalone transformer units would be required. A standalone transformer unit is typically smaller than combined central inverter-transformer units but otherwise have the same characteristics as a containerised solution.

11. Battery Energy Storage Systems (BESS) Equipment

The Proposed Development would include associated BESS infrastructure facilities. The BESS would be utilised to reinforce the power generated by the solar farm, storing energy at times of low demand, and releasing to the grid in periods of higher demand or when solar irradiance is lower. The energy stored will also provide balancing services to reinforce grid stability.

The BESS equipment comprises multiple battery containers coupled with a PCS unit. Additional battery interface cabinets may be needed if the functionality cannot be integrated within the battery container. Battery and PCS units are typically finished in an off-white or pale grey colour to discourage heat retention.

12. POC Compound

The POC infrastructure hereafter referred to as the 'POC Compound' includes:

i. The customer substation building and control house (includes switch gear);
ii. DNO substation building; and
iii. Customer and DNO external electrical equipment within a 2m high 'deer fencing' security fence.

The POC Compound infrastructure will connect into the existing 132kV OHL via the existing pylons that run east-west across the north of Area C. No new OHL or pylons are required for the grid connection and no off-Site cable route is required.

The perimeter deer fencing would enclose the solar panels and allow sheep to graze securely amongst the arrays. Gates will be installed to allow for movement from the access points off into the Site for ongoing maintenance. Provision of mammal gaps at ground level in the fencing will allow continued access for foraging of wildlife across the Site. Exact positions of these gaps can be identified in a post-determination detailed Landscape and Ecological Management Plan ('LEMP').

The perimeter of the Site would be protected by a system of CCTV and/or infra-red cameras to provide full 24-hour surveillance around the internal perimeter. Cameras would be inward facing on poles of up to approximately 3m high, spaced at intervals along the fence line. Cameras would only monitor inside the Site and not record any public or private land outside the perimeter. An intelligent sensor management system would manage the cameras.

No structures on-Site would be permanently lit. However, lighting may be attached to the substation and other structures for access and safety reasons (not for security). No lighting would be attached to the perimeter fencing or for site access purposes. In the limited circumstances where lighting is needed for safety at building or structure access points, this would be shielded, motion sensor activated low intensity down-lighting.

13. Construction Phase

The construction phase will last for 18 months. There would be an average of approximately 20 HGV trips to Site per day, or 40 two-way movements over the 18-month construction period. Details will be set out in a Transport Statement to be submitted with the DCO application of the Proposed Development.

Construction activities and deliveries will be carried out Monday to Friday 07:00-19:00 and between 07:00 and 13:00 on Saturdays. No construction activities or deliveries will occur on Sundays or on Public Holidays. A Construction Traffic Management Plan ('CTMP') will set out measures to manage deliveries in a way that seeks to reduce local impacts.

Approximately up to 150 workers are anticipated to be required on-site during the peak construction period. The location where staff will travel from is unknown at this stage as it will depend on the appointed contractor. However, it is envisaged that the majority of the non-local workforce will stay at local accommodation and be transported to the Site by minibuses to minimise the impact on the strategic and local highway network.

Secure temporary construction compounds will be used to store materials and provide welfare facilities during the construction period. The Site will have two primary construction compounds. There are also expected to be up to three secondary compounds providing a materials hub and welfare and waste management facilities across the Site.

There are expected to be five potential primary construction access points for the Site from the local road network. On exiting the Site, vehicles will have to exit via the wheel wash area and a supplementary street sweeper will be available to avoid impacts on the local road network.

The construction of the Proposed Development is anticipated to commence in 2026 and span a period of approximately 18 months. On this basis, it is expected that the Proposed Development would be completed in 2027.

14. Operational Phase

The Proposed Development is reversible and will have a modelled operational lifespan of up to 40 years for the purposes of the ES assessments. During the operational phase, the activities on-Site are expected to amount to maintenance activities, including servicing of plant and equipment and vegetation management.

It is expected that once operational, the Proposed Development would require up to two technical maintenance visits per month in transit van or 4x4 type vehicles. Several visits a year will be required to clean the solar PV panels (using only distilled water). Attendance will also be required in association with the implementation monitoring, and maintenance of landscape and habitat enhancements, to maintain any sustainable drainage ('SuDS') measures, and to secure any other mitigation to be delivered alongside the solar farm

An outline Landscape Strategy Plan ('oLSP') will provide details of planting and enhancements while an outline LEMP ('oLEMP') will set out how these measures will be implemented and maintained.

The oLEMP, will set out how the land would be managed and monitored throughout the Proposed Development's operational lifetime to deliver on biodiversity net gain and other environmental enhancement commitments. It is anticipated that the existing agricultural use (sheep grazing) would continue, albeit at a reduced intensity, as part of the maintenance regime. The final LEMP will therefore include a grazing management plan to provide for colocated pastoral activity.

15. Decommissioning Phase

Following termination of energy generation and exportation at the Site, the Proposed Development including solar PV modules, mounting structures, cabling, ancillary buildings, and BESS will be decommissioned, dismantled and removed and the Site and would be fully reinstated and could be returned to solely agricultural use.

The decommissioning of the Proposed Development is anticipated to take up to 12 months.

The ES will provide details of an Outline Decommissioning Environmental Management Plan ('oDEMP'). A detailed DEMP will be agreed with relevant authority prior to the commencement of decommissioning.

16. EIA Methodology

The methodology of the EIA is considered acceptable as set out in Tables 3.1, 3.2, 3.3 and 3.4

The significance of an environmental effect is determined by the interaction of magnitude and sensitivity, whereby the effects can be positive or negative. Generic criteria to be used in carrying out this process are detailed below. Some technical chapters will use discipline-specific criteria with their own terms for magnitude, sensitivity, and significance. It is noted that this will be explained in the relevant chapter and that an environmental effect can be categorised as either permanent or temporary.

The duration of temporary effects comprises:

- Short-term (a period of up to 1 year);
- Medium-term (a period of between 1 year and up to 5 years); and
- Long-term (a period of more than 5 year

17. Technical Assessments

The proposed format of each ES chapter is considered acceptable so it will follow the headings set out below to ensure the final document is transparent, consistent, and accessible as set out in Table 3.5.

18. Topics to be scoped out

It is considered acceptable that the topics to be scoped out of the ES as addressed as set out in Table 4.7. The topics are as follows.

18.1 *Agricultural Land and Soils*

The detailed ALC survey identified a mix of agricultural land of Grades 4 and 5 across the majority of the Site (Area C), with some sub-grade 3b agricultural land (as reproduced in Appendix 4.1 and shown on Figure 4.1).

It is accepted that this topic is scoped out of the ES.

18.2 *Water Resources and Flood Risk*

Table 4.1 summarises each of the hydrology and flood risk aspects and assesses whether they should be scoped in or scoped out of the assessment in relation to both the construction, operation and decommissioning of the Proposed Development.

The findings addressed in Table 4.1 are considered acceptable.

Given the nature of the Proposed Development and baseline conditions at the Site, likely significant effects from the Proposed Development on the water environment (including flood risk) are not anticipated.

Whilst an FRA is necessary in support of the DCO application, the Site has been identified as low risk of flooding. Given the baseline conditions of the Site, research conclusions from Cook and McCuen (2013), and nature of the Proposed Development, there is no requirement for mitigation for most of the Site covered by solar PV modules beyond standard measures, comprising the management of surface water runoff during the construction and decommissioning phases of the Proposed Development. Targeted SuDS will be provided for ancillary buildings.

An oCEMP will be produced as part of the DCO application which will outline the environmental mitigation measures to be implemented during the construction phase.

18.3 *Air Quality*

Given the nature of the Proposed Development, significant effects on air quality are not considered likely, as detailed below, and are therefore proposed to be scoped out of the ES and this is considered acceptable.

Mitigation measures could include, wheel washing before construction vehicles leave the Site and ensuring dust generating activities take place away from sensitive receptors. These measures will be incorporated into the oCEMP, as defined in Section 2 (The Proposed Development), which is an established method of managing environmental effects resulting from construction works.

18.4 *Traffic and Access*

Based on the analysis of the ATC survey data and WebTRIS data, the impact from the construction phase on local roads and the Strategic Road Network (SRN) are expected to be minimal.

As significant effects are not anticipated from traffic and access as a result of the Proposed Development, it is proposed to scope out this topic from the ES and this is considered acceptable.

As agreed with the Council and NH, a Transport Statement, which would assess traffic and access impacts from the Proposed Development and an oCTMP including a framework CWTP would be submitted in support of the DCO application.

18.5 *Noise and Vibration*

As likely significant effects on noise and vibration from the Proposed Development's construction, operational and decommissioning phases are not anticipated, it is proposed to scope out this topic from the ES

Based on a desktop review of the Site and its surroundings, Based on the results of the calculations, the BNL is not anticipated to increase by more than 1 dB at receptors along the construction/decommissioning traffic route. This is below the criteria at which a significant effect is identified.

It is considered that construction and decommissioning traffic noise will not result in a significant effect and therefore it is proposed that they are scoped out of the ES.

It is anticipated that construction hours would be limited to 07:00 – 19:00 during weekdays and 07:00 – 13:00 on Saturdays.

Mitigation measures are to be set out in the CEMP and CTMP, which would outline relevant noise and vibration mitigation for the construction phase. A piling and vibration management plan will also be prepared as part of the oCEMP.

Based on the equipment being appropriately mitigated and located in compliance with the minimum distances in Table 4.6, significant effects from operational noise are not anticipated to occur.

The concept layout in Figure 4.12 indicates that it would be possible to accommodate the minimum required distances on the Site. As such, it is accepted that operational noise is proposed to be scoped out of the ES, as likely significant effects from operational noise are not anticipated.

However, a separate Noise and Vibration Impact Assessment('NVIA') for the Proposed Development will be undertaken and submitted with the DCO application as an appendix to the ES

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18.6 *Ground conditions*

This section considers the likely effects of the Proposed Development on the environment in respect of Ground Conditions (stability and existing ground contamination) and identifies the potential impacts and associated effects from the disturbance of land on the Proposed Development, human health, and the environment during the construction, operational and decommissioning phases.

The construction of the Proposed Development will involve minimal ground disturbance, being limited typically to mini-piles for the solar PV arrays and trenching for the associated cables. The potential for these activities to impact the LGS located 170m east of the Site is highly limited, and impacts to geomorphological features, which are highly unlikely, would not be significant. It is accepted that this topic is scoped out of the ES.

18.7 *Ecology*

Whilst the Phase 1 GCA (Appendix 4.6) considers ecology as a receptor for the purposes of risk assessment, section 8 (Biodiversity) of this Scoping Report provides details on the proposed approach to the assessment of the Proposed Development's likely significant effects on biodiversity, including in respect of any pollutants. This approach is accepted.

It is noted that this locality is habitat for Hen Harrier.

18.8 *Archaeological Setting*

There is one designated heritage receptor located partially within the Site, namely the Large Irregular Stone Circle and a Round Cairn on Dean Moor Scheduled Monument.

Whilst the Phase 1 GCA (Appendix 4.6) includes consideration of archaeology as a receptor for the purposes of risk assessment, section 6 (Cultural Heritage) of this Scoping Report provides details on the proposed approach to the assessment of the Proposed Development's likely significant effects on archaeology.

The Proposed Development is therefore unlikely to introduce significant impacts e.g., vibration or groundwater level change, that could affect the on-site or off-site receptors. Scoping out archaeology as a topic is accepted.

18.9 *Human Health*

In the context of the Proposed Development, human health receptors will be construction and decommissioning workers during the construction and decommissioning phases, and workers who will require transient access for maintenance activities during the operational phase.

The CEMP and DEMP will define the requirements / restrictions for materials re-use on-site. These will also present chemical criteria that must be met by any soils or recycled aggregates imported to the Site during the construction phase, to ensure that imported materials are suitable for use and do not present a hazard to during the construction phase (e.g., for groundworkers constructing the Proposed Development and controlled waters), during the operational phase (e.g., for maintenance workers undertaking in-ground cable repair works for the Proposed Development) or during the decommissioning phase (e.g., groundworkers removing any haul roads constructed using imported aggregates).

18.10 *Ground Investigation*

It is noted that whilst an intrusive ground investigation has not been undertaken at this stage as it is not considered to be required; to reduce uncertainty in the anticipated ground conditions, an intrusive investigation will be undertaken, comprising both targeted and non-targeted exploratory holes to determine the chemical and physical ground conditions. This will be required to support the detailed design of the Proposed Development.

The ground investigation will inform the siting of the ancillary buildings to avoid adverse stability hazards. If, during this future ground investigation, contaminated ground conditions are encountered and risk assessment identifies these as requiring mitigation, established measures are available and control measures will be set out in the CEMP and DEMP

Whilst potential ground condition hazards (both potential sources of contamination and ground instability) have been identified on the Site, the impacts from the Proposed Development on groundwater, surface water, human health and building receptors would not lead to significant effects with the mitigation measures defined in the CEMP implemented.

The approach to the assessment of likely significant effects on the heritage and ecological receptors identified in the Phase 1 GCA (Appendix 4.5) are set out in section 6 (Cultural Heritage) and section 8 (Biodiversity) of this Scoping Report.

It is proposed to scope out Ground Conditions as a topic from the ES.

18.11 *Major Accidents & Disasters*

It is proposed that a separate topic chapter on major accidents and disasters is scoped out of the ES, as likely significant effects on sensitive receptors resulting from major accidents and disasters will be considered in the relevant chapters scoped into the ES, as well as standalone technical assessments submitted with the DCO application.
An Outline Battery Safety Management Plan would also be prepared in support of the DCO application and appended to the ES. The approach set out is considered acceptable.

18.12 *Electric, Magnetic and Electromagnetic Fields*

The planning system does not include a statutory provision regarding protection from magnetic, electric, and electromagnetic fields. In 2012, the Department for Energy and Climate Change (‘DECC’) 44 advised that guidelines published by the International Commission on Non – Ionizing Radiation Protection ('ICNIRP') 45 in 1998 for both occupational and public exposure should be considered.

These guidelines state that ‘overhead power lines at voltages up to and including 132kV, underground cables at voltages up to and including 132kV and substations at and beyond the publicly accessible perimeter’ are not capable of exceeding the ICNIRP exposure guidelines for electromagnetic fields.

The Proposed Development will use cables and infrastructure with a maximum voltage up to and including 132kV. Furthermore, the existing OHL on the Site are also 132kV. In the light of this, it is accepted that this topic is scoped out of the ES.

18.13 *Telecommunications, Television Reception, and Utilities*

Given the nature of the Proposed Development, likely significant effects on telecommunications are not anticipated.

It is therefore accepted that telecommunications, television reception and utilities as a topic is scoped out of the ES.

18.14 *Wind Microclimate*

It is considered acceptable that the likely significant wind effects are not anticipated, and it is proposed that this topic will be scoped out of the ES.

18.15 *Daylight, Sunlight and Overshadowing*

The scale and massing of the Proposed Development will not cause changes to daylight or sunlight availability or cause overshadowing of residents or amenity space.
It is therefore accepted to scope this topic out of the ES.

18.16 *Waste*

An oCEMP, oLEMP, and oDEMP will be provided with the DCO application, with requirements for detailed final updates to be secured at the appropriate time by requirement within the DCO. Where appropriate this topic will also be dealt with in chapters scoped into the ES.

It is accepted that a separate waste ES Chapter can be scoped out of the ES.

18.17 *Minerals*

The adopted Cumbria MWLP46 indicates that the Site is located within a Minerals Safeguarding Area (‘MSA’) for Brick Clay and a Minerals Consultation Area. MSAs cover areas of known mineral resource that are, or may be, of sufficient value to warrant protection for future generations and should be taken into account in land use decisions to ensure mineral resources are not unknowingly or needlessly sterilised.

The Proposed Development will not sterilise the mineral resource as minerals could be extracted, if required, following decommissioning of the Proposed Development.

It is therefore proposed to scope a minerals chapter out of the ES.

18.18 *Lighting*

As the Site is not located within an area sensitive for dark skies, significant effects on the existing character of the night -sky are not anticipated and therefore it is proposed to be scoped out of the Landscape and Views ES chapter.

Further details are provided in Section 7 (Landscape and Views) of this Scoping Report.

No significant lighting effects on sensitive ecology from the emergency temporary lighting are anticipated and therefore it is accepted to be scoped out of the Biodiversity ES chapter.

Further details are provided in Section 8 (Biodiversity) of this Scoping Report.

Significant effects on the existing character of the night-sky and sensitive ecology during the Proposed Development's operational phase are not anticipated. Further details are provided in Section 7 (Landscape and Views) and Section 8 (Biodiversity) of this Scoping Report.

Operational lighting will be controlled by measures set out in the LEMP.

Therefore, it is accepted to scope this topic out of the ES.

18.19 *Glint & Glare (G & G)*

A Glint and Glare Study for the Proposed Development will be submitted in support of the DCO application as an appendix to the ES. The proposed glint and glare assessment methodology has been derived from industry best practices, guidance, and studies, as well as from professional judgement based on other schemes similar in nature, size, and scale to the Proposed Development.

The G&G Study will be prepared by Pager Power. It will be appended to the ES and referenced in the Landscape and Views ES chapter, which will consider glint and glare impacts within the assessment of likely significant landscape and visual effects. As such glint and glare is accepted as being scoped out of the report as a specific topic.

19. Overview of Topics to be Scoped In

The topics proposed to be scoped into the report as addressed in the scoping report are accepted as follows:

- Cultural Heritage;
- Landscape and Views;
- Biodiversity;
- Climate Change; and
- Socio-Economics

Conclusion

This response form the findings of Cumberland Unitary Authority with regard to the details provided for consultation in the Dean Moor Solar Farm EIA Scoping Report August 2023.

Yours faithfully

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