



**Cotswolds
National
Landscape**

15 June 2026

Dear Sir/Madam,

PINS REFERENCE NO: EN010168

DESCRIPTION: Development consent to construct, operate, maintain and decommission a solar photovoltaic (PV) generating station, with a generating capacity of more than 50 megawatts (MW) and associated infrastructure

LOCATION: Lime Down Solar Park, Wiltshire

This response comprises the Cotswolds National Landscape Board's ('the Board's') Written Representations for submission at Examination Deadline 3- 15 June 2026 to update the Board's position regarding the Potential Main Issues for Examination (PMIEs) that have been the ongoing subject of discussion with the Applicant and which have been further informed by submissions made at Deadlines 1 and 2.

Update on the Board's position regarding the Potential Main Issues for Examination (PMIEs)

Our Relevant Representations (RR-0944) outlined that eight PMIEs had been identified by the Board following Statutory Consultation and ongoing liaison with the Applicant and that currently, four PMIEs remain outstanding:

1. Whether the Scheme has the potential to give rise to significant adverse environmental effects upon the Cotswolds National Landscape ('CNL') designation and its setting. In addition, whether the Scheme would seek to further the purpose of CNL designation in respect of the statutory duty outlined at s.85 of the Countryside and Rights of Way Act 2000 (as amended).
4. Routing of construction traffic for sites A, B and C and the potential impact upon the tranquillity and landscape and scenic beauty of the CNL.
6. Potential removal of panels from fields C7 and C9 pending the results of further assessment.
8. Details regarding potential appropriate measures to compensate for any assessed residual adverse effects of the development on the natural beauty of the CNL and its setting to enable the statutory duty to seek to further the conservation and enhancement of its natural beauty (Section 85 of the Countryside and Rights of Way Act 2000, as amended) to be discharged.

Following the submission of further information at Deadlines 1 and 2, an update on these PMIEs is given below, firstly discussing PMIEs 4 and 6, before the overarching PMIEs 1 and 8.

PMIE 4

This PMIE concerns the routing of construction traffic for sites A, B and C and for several access points for the Cable Route Corridor and the impact this traffic would have on the tranquillity of the CNL, one of its special qualities.

The Board notes and welcomes the Applicant's submission of i) a Tranquillity Technical Note (PDA-010, dated March 2026), submitted on 9 March 2026 and ii) the Construction Routes in the Cotswolds National Landscape Technical Note (REP1-131, dated May 2026), submitted at Deadline 1.

Comments relating to the Construction Routes in the Cotswolds National Landscape Technical Note (REP1-131)

Cotswolds Conservation Board

Cotswold Business Centre
2 A P Ellis Road, Upper Rissington
Cheltenham, Gloucestershire GL54 2QB
07841 663607
info@cotswoldsaonb.org.uk

The Cotswolds National Landscape is a designated Area of Outstanding Natural Beauty (AONB), managed and looked after by the Cotswolds Conservation Board.

cotswoldsaonb.org.uk



Turning first to the latter document, this responds to a request from the Board to justify the selection of the proposed construction routes through the Cotswold National Landscape (CNL) to access Lime Down A, B and C, as well as access locations 101 to 108 serving the Cable Route Corridor.

The Applicant anticipates that *“adverse effects may arise from the implementation of the proposed construction routes through the CNL, however, these are not significant and would be reduced by the mitigation measures summarised in Section 4.4 of this TN”* (REP1-131, paragraph 2.1.3).

Having reviewed the document, the Board considers that the Construction Routes Technical Note (REP1-131) is written from a purely highways standpoint and does not adequately consider the impact of routing the construction traffic on the CNL’s tranquillity, which from the Board’s perspective, lies at the heart of this issue and formed the basis of the request for this Technical Note. Paragraph 2.2.1 lists the highways-related factors taken into consideration when deciding on the construction routes, but the list does not mention any considerations relating to natural beauty, such as tranquillity or landscape and visual impact.

Furthermore, some of the criteria used to assess and subsequently discount alternative routes could equally apply to the routes that have been selected, including those through the CNL; for example, ‘villages/residential centres’ and ‘extensive lengths of single lane carriageway’. Also, the Technical Note does not assess the selected routes to the same level of detail in respect of the selected criteria as the discounted routes. Whilst agreement between the Applicant and Wiltshire Council regarding the construction routes is acknowledged, it is assumed that this agreement was obtained following consultation with the Council’s Highways team, whose remit would not reasonably include consideration of CNL and natural beauty issues.

Comments relating to the Tranquillity Technical Note (PDA-010)

Tranquillity is one of the CNL’s ‘special qualities’; in other words, it is one of the features of the Cotswolds that makes the area so outstanding that it is in the nation’s interest to safeguard it. As well as being a ‘special quality’ in its own right, tranquillity is also an important factor in people’s understanding and enjoyment of the CNL’s other special qualities, including its distinctive landscapes and settlements, its historic and cultural associations and its flower-rich grasslands and ancient broadleaved woodlands. Natural England has also identified relative tranquillity as one of six factors that contribute to the natural beauty of Areas of Outstanding Natural Beauty.

In attempting to assess the impact of the Scheme on the CNL’s tranquillity, regard should be had to Core Policy 51 of the Wiltshire Core Strategy which states that proposals *“will need to demonstrate that ... aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures”*. One of these aspects is *“Tranquillity and the need to protect against intrusion from light pollution, noise, and motion”*.

Policy CE5 of the CNL Management Plan also states *“CE5.1. Proposals that have the potential to impact on the tranquillity of the Cotswolds National Landscape (CNL) should be delivered in a way that is compatible with and seek to further the conservation and enhancement of this tranquillity, by seeking to avoid and where avoiding is not possible, minimise noise and other aural and visual disturbance... CE5.3. Proposals that have the potential to impact on the tranquillity of the CNL should have regard to – and be compatible with – the CNL Board’s Tranquillity Position Statement”*.

Paragraph 5.10.34 of NPS EN-1 also confirms that the duty to seek to further the purposes of nationally designated landscapes (Section 85 of the Countryside and Rights of Way Act 2000, as amended) applies when considering applications for projects outside the boundaries of these areas, which may have impacts within them. The aim should be to avoid harming the purposes of designation or to minimise adverse effects on designated landscapes, and such projects should be designed sensitively given the various siting, operational, and other relevant constraints.

In their response (PDA-009) to the Board’s Relevant Representations, the Applicant states, *“It is recognised that there are some short-term construction effects within the CNL as a result of construction traffic and site access of abnormal loads. Details of this and the effect on the landscape are considered unavoidable, temporary, and not significant”*. The Applicant’s Tranquillity Technical Note (PDA-010)

attempts to characterize, and provide justification for, this position on the Scheme's likely effects on the CNL's tranquillity.

The Board shares the view expressed by Wiltshire Council in their written representations at Deadline 1 (REP1-138) that the Tranquillity Technical Note mainly repeats information from the ES, particularly that relating to transport and access (i.e. ES Chapter 13) and noise and vibration (i.e. ES Chapter 14). Our understanding is that the content of these ES chapters was scoped and agreed with no input from a tranquillity/landscape viewpoint and these chapters do not consider the Board's Management Plan policy CE5 (Tranquillity) or the Board's Tranquillity Position Statement. An example of this is observed by Wiltshire Council in REP1-138 that *"although tranquillity is considered to be a considerable asset of landscape (Guidelines for Landscape and Visual Impact Assessment (LVIA) (3rd edition) glossary page 158) the survey work has been predicated on standard noise modelling methodology and acoustic modelling software (ISO 9613:2024) utilising the Lowest Observable Adverse Effect Level (LOAEL) and Significant Observable Adverse Effect Level (SOAEL) for construction and operational noise"* (our emphasis).

The Board's Tranquillity Position Statement defines tranquillity as *"a state of calm and quietude associated with peace, experienced in places with mainly natural features and / or historic character, free from man-made noise and other aural and visual disturbance"*. We consider that comprehensively assessing impacts on tranquillity is more nuanced than the approach that has been taken by the Applicant and we agree with Wiltshire Council's view that relying on the results of standardised noise modelling fails *"to capture experiential and cumulative effects on residents and visitors within a high-sensitivity rural landscape"* (paragraph 2.8, REP1-138). This is recognised within our Tranquillity Position Statement: *"There are a number of components to tranquillity, some of which are harder to measure than others. For example, the components of tranquillity relating to the 'state' of the 'recipient' are not readily measurable, whereas other components, such as noise levels, are. This makes tranquillity a particularly difficult factor to assess and measure"* (Paragraph 4.1).

Tranquillity is therefore described not as a characteristic of the environment itself, but as a 'state of mind'; a perception by the observer. The presence or absence of factors influencing tranquillity must therefore be considered against people's experience of these factors. The Landscape Institute's Technical Information Note 01/2017 on Tranquillity states that *"human perceptions as well as factual evidence must be considered in any studies relating to the term"*.

Table 2-1 of the Applicant's Tranquillity Technical Note (PDA-010) outlines their assessment of the effects of the Scheme upon the CNL's Special Qualities, an assessment that has been made principally in visual terms. For Special Quality 9 – Tranquillity, the conclusion is that 'Tranquillity remains intact for the CNL, with only negligible-minor localised change persisting at a few viewpoints within the setting of the CNL. Long term effect: Negligible-Minor adverse (localised)'.

We do not agree with this conclusion. In the Board's view, routing the volume of construction traffic anticipated by the Applicant through the CNL is likely to have a significant adverse effect on its tranquillity, particularly as perceived by an observer when compared to the current baseline condition.

Notwithstanding the above comments regarding the inherent qualitative and subjective nature of comprehensively assessing impacts upon tranquillity, Section 4.5 of the Board's Tranquillity Position Statement discusses how increased vehicle movements have the potential to have a significant adverse impact on the tranquillity of the AONB, for example, because of noise and visual disturbance. Therefore, quantitatively assessing the likely traffic levels and vehicle movements resulting from a proposed development is a key component, but not necessarily the only key component, in assessing potential impacts on tranquillity.

The Institute of Environmental Assessment's 'Guidelines for the Environmental Assessment of Road Traffic' recommends using two 'rules of thumb' for identifying the scale at which increases in traffic movements should be considered in an Environmental Impact Assessment (EIA).

- Rule 1: Where traffic flows will increase by more than 30% (or the number of heavy goods vehicles (HGVs) will increase by more than 30%).
- Rule 2: Any other sensitive areas where traffic flows have increased by 10% or more.

AONBs are specifically identified as 'sensitive areas' in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, Rule 2 should be applied in the Cotswolds AONB and should relate to both traffic flows and HGV numbers. On this basis, it can be argued that an increase in traffic flows - or HGV numbers - of more than 10% is likely to be significant and have an adverse impact on the tranquillity of the Cotswolds AONB.

Table 13.24 of the ES shows that total vehicle numbers along much of the 20km route from M4 J18 (i.e. the B4040 (11% change), the Road West of Grittleton (27.9% change), Alderton Road (19.7% change) and the Fosse Way (29.1% change)) would breach the 10% rule of thumb. The latter three sections which experience the greatest increases are the parts of the route which currently exhibit greatest levels of tranquillity.

Additionally, Table 13.25 of the ES shows that the number of HGVs would breach the 30% rule of thumb for the entire route, save for the short stretch of the A46 from M4 J18 to the junction with the B4040. The B4040 would see a 68.5% increase in HGV traffic, the B4039 a 75.8% increase, the minor road west of Grittleton a 102.0% increase, Alderton Road a 250% increase and the Fosse Way a 238.1% increase.

The Board notes that these estimates are disputed by objectors including Stop Lime Down, whose transport consultants have estimated that HGV movements may be significantly higher than those anticipated by the Applicant. The validity of the Applicant's estimates in the ES will undoubtedly be considered in greater detail through the DCO Examination.

Regardless, even the Applicant's lower estimates are significantly more than both 'rules of thumb' for HGVs and the Rule 2 for sensitive areas for total traffic flows. As such the Scheme does not accord with the Board's guidance and by extension Policy CE5 of the CNL Management Plan and also Policy 51 of the Wiltshire Core Strategy.

As outlined above the overall impact on the CNL's tranquillity also encompasses the Scheme's visual impact and impact upon landscape character as well as noise and other disturbance. This particularly concerns the visual impact and impact upon landscape character of the construction and decommissioning traffic.

The Board's Planning Officer has driven the proposed construction routes and considers that the landscapes through which the Primary Construction Route passes are typical of this part of the CNL and display several of its other special qualities including 'big skies and long-distance views' and 'distinctive dry-stone walls'. It is also largely a tranquil route, particularly travelling along the minor roads once having left the B4039. These routes are used by pedestrians, cyclists and horses as well as vehicles. In addition to the CNL designation, it is also noted that the Primary Construction Route is crossed by the Macmillan Way promoted route at Burton and part of the Primary Construction Route, between Grittleton and the Site, is shared with the Wiltshire Cycleway.

The Board considers that construction traffic of the levels described above travelling along the proposed route through the CNL is likely to result in significant direct adverse effects on the CNL in respect of impacts on landscape character and visual qualities as well as tranquillity. Due to the nature of the route and the type of vehicles involved, particularly HGVs and AILs, the Board considers that construction traffic is highly likely to cause physical damage to, and / or lead to the temporary and / or permanent loss of roadside landscape elements such as overhanging trees, hedges, verges, banks, and ditches and possibly damage structures such as walls and bridges. This would conflict with Sections 9.14 and 11.13 of the Cotswolds AONB Landscape Strategy & Guidelines, and by extension Policies CE1 and CE13 of the CNL Management Plan, Policy 51 of the Wiltshire Core Strategy and paragraph 189 of the NPPF.

In conclusion, and notwithstanding the mitigation measures proposed by the Applicant to address the impacts of construction and decommissioning traffic, the Board considers that by routing this significant amount of traffic through the CNL, the Scheme would give rise to a ***direct, major/moderate (significant) adverse*** effect on the tranquillity of the CNL, one of its special qualities. Whilst it is acknowledged that in EIA terms, this impact would be 'temporary' (i.e. not permanent), it would still last for several years and for its duration, the impact would be significant, direct and adverse.

Ultimately, if the alternative routes for this construction traffic that are located outside of the CNL are deemed unsuitable due to highways constraints and consequently, the only way to reach the

construction locations is to route traffic for a significant distance (c.20km) through the CNL causing significant adverse impacts on its tranquillity for the length of the construction and decommissioning periods, the Board considers the project has not been sensitively designed and would question whether fundamentally the Site is the correct location for a development of this nature and scale.

The Board maintains our position that routing construction traffic through the CNL conflicts with Policies CE1, CE5 and CE13 of the CNL Management Plan and by extension Policy 51 of the Wiltshire Core Strategy, paragraph 189 of the NPPF and NPS EN-1.

The Board considers that PMIE 4 remains unresolved.

PMIE 6

This PMIE concerns the nature and scale of visual effects of Site C of the Scheme on receptors located on Alderton Road which forms the boundary with the CNL. The Board had previously recommended the potential removal of panels from fields C7 and C9 pending the results of further assessment.

As such the Board notes the Applicant's position as outlined within the draft Statement of Common Ground with the Board (May 2026, Revision 1, REP2-029) at Reference 3.1.17 (page 14): *"The final iteration of the Scheme includes the avoidance of panels in the southern part of Field A1, the remainder of Field C6 and Fields C7. These areas are identified for habitat enhancement.... Discussions are ongoing surrounding panels in C9."*

The Board understands from a voicemail message left for its Planning Officer by the Applicant on 18 May 2026 that, following discussions at the meeting on between the Applicant and the Board on 30th March 2026, the Applicant is willing to remove Solar PV panels from the remainder of Field C9 if a formal request is made by the Board to the Examining Authority. The Board's Planning Officer confirmed via email to the Applicant on 28 May 2026 that this request would be made. Therefore, the Board requests that panels should be removed from the remainder of Field C9 to minimise the impact of the Scheme on views from the CNL.

If the Applicant maintains the above position and if the above changes are reflected in the final detailed design and DCO, the Board considers PMIE 6 is capable of being resolved.

PMIE 1

This overarching PMIE essentially comprises the Board's overall assessment of the impacts of the Scheme on the CNL and its setting and whether, overall, the Scheme has sought to further the purpose of CNL designation.

In accordance with EIA Regulations, the mitigation hierarchy used in the Project is i) to prevent/ avoid, ii) to mitigate and restore and iii) finally offset or, failing that, compensate to reduce development impacts and control any negative effects on the environment.

Avoidance measures

The Board acknowledges and supports the avoidance measures incorporated into the Scheme which have been introduced with the aim of reducing development impacts and controlling any negative effects on the CNL and its setting. These measures include:

- Avoiding development adjacent to the National Landscape where it would affect its setting; and
- Avoiding development where it would be visually intrusive and affect the character and visual experience of the landscape.

The Board understands that this has led to the removal of Solar PV panels from fields A1, A11, A12, B12, C1, C2, C3, C4, C6, C7, C8, C9 and the majority of C10.

Mitigation measures

The Board understands that the Scheme's embedded mitigation measures principally comprise a range of offsets and buffers and specific landscape design parameters outlined in Tables 7 and 8 of ES Volume 3, Appendix 8-6 [APP-197] and include the retention and enhancement of the existing landscape framework to gap up existing hedgerows and provide new tree lines to increase age and species diversity. The embedded mitigation also includes new planting to both mitigate the visual effects of the Scheme and provide landscape benefits to counteract harm. This includes the re-establishment of historic hedgerows within the setting of the CNL, new areas of native woodland, trees, scrub and grassland, new planting within riparian corridors to enhance rivers and wetland, as well the restoration of dry-stone walls and creation of new ponds.

Enhancement measures

Enhancement measures are discussed between paragraphs 2.3.17 and 2.3.21 of ES Appendix 8.6 (Assessment of Effects on the Cotswolds National Landscape and its Special Qualities). The Board considers enhancement measures to be measures which demonstrably add value to the host landscape, which in this case forms the setting of the CNL, creating a positive change above its baseline condition. They are separate from mitigation measures.

Several of these measures are outlined at paragraph 2.3.19, however these are described by the Applicant as "*embedded mitigation measures*" and thus the Board does not consider these to comprise 'enhancement'.

The Applicant outlines specific enhancement measures at paragraphs 2.3.20 and 2.3.21 of ES Appendix 8.6:

- **The creation of wildflower meadows on the edge of the CNL within the northern part of A1, C1, C6, C8, the southwestern part of C9 and B12:** The Board considers that the change within these fields from arable to wildflower meadows is an enhancement in landscape and visual and biodiversity terms and it would also contribute to preventing soil loss. It reflects the aspirations of the Cotswolds Nature Recovery Strategy and as such is supported.
- **The inclusion of wildflower meadow verges on the edge of set aside land in A11, A12 and C10 to provide attractive buffers in views from public roads:** This is also considered an enhancement, albeit minor in scale, given it only applies to relatively short stretches of verge when considering the overall scale of the Scheme.
- **Maintaining hedgerows at their current height of c1.5m (or as existing if greater) bordering the CNL within Site C (including the northern boundary of C1 to maintain open views of the landscape within the setting of the CNL:** The Board does not consider maintaining current hedgerow heights to be an enhancement. The Board notes that the Applicant now agrees with this position in the Applicant's Response to Relevant Representations (PDA-009, comment at CNL-064, page 588).

As discussed above in relation to PMIE 4, the Board considers that there would be ***direct, significant adverse*** effects to landscape character and visual quality along the construction route, including where it runs through the CNL and its setting. The following comments relate to the effects of the proposed development of Sites A, B and C on the landscape character and visual quality of the CNL and its setting.

Residual landscape character effects (Sites A, B and C)

Aside from the direct effects of the construction and decommissioning traffic discussed above, there would be no direct physical change to the character of the CNL, as the Scheme is not within the CNL. However, there would be perceptual changes to the character of the CNL where it is in close proximity to the Scheme, assessed within the Application as the '1km Local Study area'. There would also be a direct physical change to the character of this land that forms the setting of the CNL; a small proportion (including land closest to the CNL's boundary) will change from arable to wildflower meadow or set aside whilst a much greater proportion would be covered in Solar PV panels for the duration of the Development.

Notwithstanding the proposed avoidance, mitigation and enhancement measures, the Board notes that the Applicant identifies at Section 2.4 of Appendix 8-6 that the proposal would give rise to a ***direct, significant adverse*** effect upon the landscape character of the Site, and therefore the setting of the CNL

as well as an ***indirect, significant adverse*** effect within the 1 km local study area, including land within the CNL. This would be experienced throughout the Scheme's operational lifetime, thus constituting a long-term effect.

In their response to Relevant Representations (Part 1) (PDA-009), the Applicant states "*It is fully acknowledged that the character of the Site itself, and its immediate surroundings would be Significantly Adversely affected, with the land now presenting as a large-scale solar scheme. However, the avoidance measures along the boundary of the CNL limit the extent of the visual effect of the Scheme on the CNL's character and scenic qualities. At the point the Scheme is decommissioned the landscape proposals would provide the long-term legacy landscape benefits as set out within ES Volume 1, Chapter 8: Landscape and Visual [APP-060]*".

The Board considers that whilst the avoidance and mitigation measures would, to a small extent, reduce the effect of the Scheme on the landscape character of the CNL and its setting, the Scheme will still have a significant harmful impact on landscape character for both the Site itself and the CNL due to its contrasting nature with the existing baseline situation.

We do not agree with the LVIA's conclusion that by Year 15 of operation, by which time it assumes that the proposed planting would have become established / fully effective, there would be '*beneficial landscape effects within the setting of the CNL in the long term which would further the purposes of the designation*'. However, post decommissioning, following the removal of all introduced above ground energy infrastructure components and restoration of the land back to farming land use or alternative appropriate agrienvironment use(s), there could be slight positive impact for landscape character if the embedded character supporting mitigation and planting enhancement measures are retained at the end of decommissioning phases as a positive landscape legacy of the project. In this respect it would be useful for the Applicant to provide photomontages and/or aerial photography (i.e. updated Google Earth images) of the legacy landscape at Year 60 with and without panels and associated infrastructure.

Residual visual effects (Sites A, B and C)

The Board welcomes the Applicant's engagement on the Scheme to date, particularly in removing Solar PV panels from fields adjacent or close to the CNL's boundaries where development would clearly have had a significant adverse effect views to and from the CNL. The Board acknowledges that this avoidance combined with mitigative screening should ensure that there would be limited to no visibility of the scheme from several viewpoints either within the CNL or on its boundary.

However, the Applicant identifies that at several public and private viewpoints within the CNL's setting, receptors would experience **significant adverse visual effects**, particularly for the first 15 years of operation, some of which may, in the Board's view, continue for the duration of operation, particularly during winter months.

As all the below are at least moderate in magnitude, they are considered significant for the purpose of the Examination.

- ***Major/moderate adverse*** effect for receptors at viewpoint 18 at construction and Year 1-15 - Receptor TP037: Users of Footpath WT|NORT|1;
- ***Moderate adverse effect*** for receptors at Alderton Road, Luckington (TR038) which follows the CNL boundary to Site C, though this would be reduced pending the changes discussed at PMIE 6;
- ***Moderate adverse effect*** for receptors at TR043 at construction and Year 1-15 for Receptor - TR043: Users of Ford Road and Widleys Road Junction East to Bottom of Bustlers Hill, Sherston represented by VP 6;
- ***Moderate adverse effect*** for receptors at TR143 at construction and Year 1-15 - Receptor TR143; Users of Commonwood Lane;
- ***Moderate adverse effect*** for receptors at TR145 at construction and Year 1-15 Receptor TR145: Users of Fosse Way;
- ***Moderate adverse effect*** for receptors at TR154 at construction and Year 1-15 Receptor TR154 Users of Road Junction at Southfields South East to Y Junction, Sherston Lane.

Whilst the enhancement measures are noted and would bring a degree of betterment for receptors in views from selected locations within the CNL, on its boundary or within the CNL's setting (when looking towards the CNL), they are relatively limited in extent and not considered to give rise to more than **negligible to minor beneficial** visual effects for receptors experiencing views to and/or from the CNL.

Therefore, the Board considers that the Scheme would give rise to a net **direct, significant adverse** visual effect on the CNL and its setting for at least a period during construction and the first 15 years of operation.

Conclusion on PMIE 1

In aiming to assist the Examining Authority in its examination of the DCO, the Board's assessment is that notwithstanding the avoidance, mitigation and enhancement measures contained within the Scheme, it would still give rise to **significant residual adverse effects** on the natural beauty of the CNL and its setting, including effects upon:

- Its tranquillity, one of its special qualities, due to the proposed routing of construction and decommissioning traffic, in particular HGVs and AILs;
- Its special qualities overall; when considered alongside other adverse (but not significant) effects on special qualities aside from tranquillity, there would be a net significant adverse effect on the CNL's special qualities overall;
- The landscape character of the Site itself which lies within the CNL's setting and the landscape character within the 1 km local study area which includes land within the CNL. Proposed mitigation would reduce the scale of this effect by Year 15, but the Board considers adverse effects would remain significant for the duration of the development;
- Its visual qualities, i.e. for receptors experiencing views to and/or from the CNL. Proposed mitigation may reduce the scale of effect, but the Scheme would give rise to a net direct significant adverse visual effect for at least the period during construction and the first 15 years of operation.

The Board acknowledges that, due to the nature of the Scheme, these effects should be considered 'temporary', however we observe that the operational phase is still classed as 'long term', defined at paragraph 1.6.19 of LVIA Appendix 8-1 [APP-187] as being '10-40 years (or longer)'.

In relation to the relevant planning policy and guidance outlined within our previous Relevant Representations (RR-0944), we consider that the Scheme conflicts with Policies CE1, CE5 and CE13 of the Cotswolds National Landscape Management Plan 2025-2030 and Sections 9.13, 9.14, 11.4, 11.12, 11.13 and 14.4 of the Cotswolds AONB Landscape Strategy and Guidelines. In turn it would also conflict with Wiltshire Core Strategy Core Policy 51 and paragraph 189 of the National Planning Policy Framework. We also consider that it does not comply with NPS EN-1, notwithstanding the NPS' caveat at Section 5.10 that virtually all NSIPs will have adverse effects on the landscape. The Board considers that whilst the Project has sought to minimise the degree of harm to the landscape, a development of this scale in this location to be constructed in the manner proposed (i.e. routing most construction traffic through the CNL) will still have a net significant adverse impact on the natural beauty of this nationally designated landscape.

The Board's position on large scale solar energy proposals such as this, outlined at paragraph 3.4.4.13 of our Renewable Energy Position Statement is that *"For larger schemes that might be put forward, Applicants should be required to demonstrate that the scheme could be accommodated without significantly affecting the natural beauty of the CNL"*. As previously outlined within our Relevant Representations, whilst the Position Statement was principally intended to outline the Board's position regarding renewable energy proposals within the CNL, the Board considers this to be an appropriate position relating to proposals which lie within the CNL's setting and have the potential to impact the CNL.

As such, the Board **objects** to this DCO application and recommends that consent should not be granted.

In reaching his decision in respect of this DCO application, the Secretary of State for Energy Security and Net Zero, as a 'relevant authority' has a statutory duty to seek to further the statutory purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape.

DEFRA guidance referenced in our Relevant Representations (RR-0944) states that in discharging this statutory duty outlined at Section 85 of the Countryside and Rights of Way Act 2000 (as amended), relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes as far as is reasonably practical.

This goes beyond mitigation and like for like measures and replacement. The proposed measures to further the statutory purpose of a National Landscape should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured. As well as being applied within National Landscapes, the 'seek to further duty' also applies to functions undertaken outside of the designation boundary which affects land within a National Landscape, as is the case with determining this DCO application.

The Board acknowledges that in reaching a decision on whether to grant the DCO, the Secretary of State will have to balance the benefits of the Scheme against the identified harms and in doing so the Board recommends that the highest status of protection should be given to the landscape and natural beauty of the CNL, as outlined at Section 5.10 of NPS EN-1.

In undertaking this balancing exercise, consideration must be given to the mitigation and enhancement measures proposed and the extent to which, once implemented, they would minimise the proposal's residual adverse impact upon the natural beauty of the CNL and its setting. NPS EN-1 also states that the Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development.

The Board acknowledges that the 'seek to further' duty does not preclude decisions that are 'net harmful' to the natural beauty of a National Landscape. If that were so, the duty would be to 'further the purpose' rather than to 'seek to further the purpose'. However, positive evidence is required to demonstrate that the relevant authority has, in all the circumstances, sought to further the purpose, not merely through mitigation of harm but by taking all reasonable steps to further the purpose.

Notwithstanding the Board's conclusions on the net harm to the Cotswolds National Landscape arising from the Scheme, we consider that the Applicant has *sought to* further its natural beauty through the proposed enhancement measures located in the setting of the CNL, including some of those outlined at Table 19 of ES Appendix 8-6 such as 60 hectares of wildflower meadow and 63 hectares of set aside for ground nesting birds. These would comprise enhancements to the CNL's setting above and beyond the current baseline condition on land which is visually connected to, and has a complementary landscape character to, the adjacent CNL.

However, the Board considers that PMIE 1 remains unresolved.

PMIE 8

PMIE 8 relates to whether further measures to compensate for the residual adverse effects of the development on the natural beauty of the CNL and its setting are appropriate in order to discharge the statutory duty to seek to further the conservation and enhancement of its natural beauty (Section 85 of the Countryside and Rights of Way Act 2000, known as the Protected Landscapes Duty).

Without prejudice, if the Secretary of State is minded to permit this DCO application, he should provide proportionate, reasoned, and documented evidence to demonstrate how he has sought to further the purpose, not merely through mitigation of harm but by taking all reasonable steps to further the purpose. If it is not practicable or feasible to take measures to further this purpose, the Secretary of State should provide evidence to show why it is not practicable or feasible.

As outlined above in respect of PMIE 1, we consider that the Applicant has *sought to* further the natural beauty of the CNL. Additionally, the Board also notes that in its response to the Nuclear Regulatory Review 2025 entitled 'Building our nuclear nation' published on 13 March 2026, the Government has stated: "To address this uncertainty, we will legislate to clarify that developers of Nationally Significant Infrastructure Projects are not required to pay financial compensation in order to comply with the

Protected Landscapes Duty. Relevant authorities must still seek to further the purposes of Protected Landscapes, meaning that landscape and nature considerations and better environmental outcomes remain an important consideration for development in these special places”.

As such the Board does not recommend that financial compensation should be sought to comply with the Protected Landscapes Duty.

However, we separately note and support Wiltshire Council's comments regarding Public Rights of Way in its Relevant Representations (RR-4934, paragraphs 15.1 and 15.2 and 15.8 to 15.10) and agree that the development is likely to place additional pressure on the surrounding Public Rights of Way, which the public will use in greater numbers if they want to enjoy the countryside without walking amongst the panels. This includes Public Rights of Way within the CNL which may well come under further pressure, and we consider it likely that further maintenance and improvement will be required to avoid further adverse effects on recreational routes within the CNL. An accessible landscape for quiet recreation for both rural and urban users is one of the CNL's special qualities.

Therefore, we support the Council's request for a contribution of £20,000 per annum (index linked) towards the maintenance, improvement and enhancement of the Public Rights of Way network to be spent in the manner outlined at paragraphs 15.2 and 15.8-15.10 of the Council's Relevant Representations.

We note the Applicant's statement at paragraph 5.5.1 of their Planning Statement that the Applicant *“has committed to a Community Benefit Fund (CBF). The CBF does not form part of the DCO application and this funding is not required to mitigate the impacts of the Scheme. Therefore it cannot be taken into account in the decision making process for determining the DCO application. However, it will be available to fund local projects”*. Whilst we acknowledge this position and that the Council's request would potentially form only part of the CBF, we would like to suggest that a figure somewhat larger than £20,000 could be justified given the scale and potential impacts of the Scheme.

Accordingly, the Board considers that PMIE 8 remains unresolved.

Declaration of Use of Artificial Intelligence

The Board confirms there has been no use of AI in authoring these representations.

ENDS

