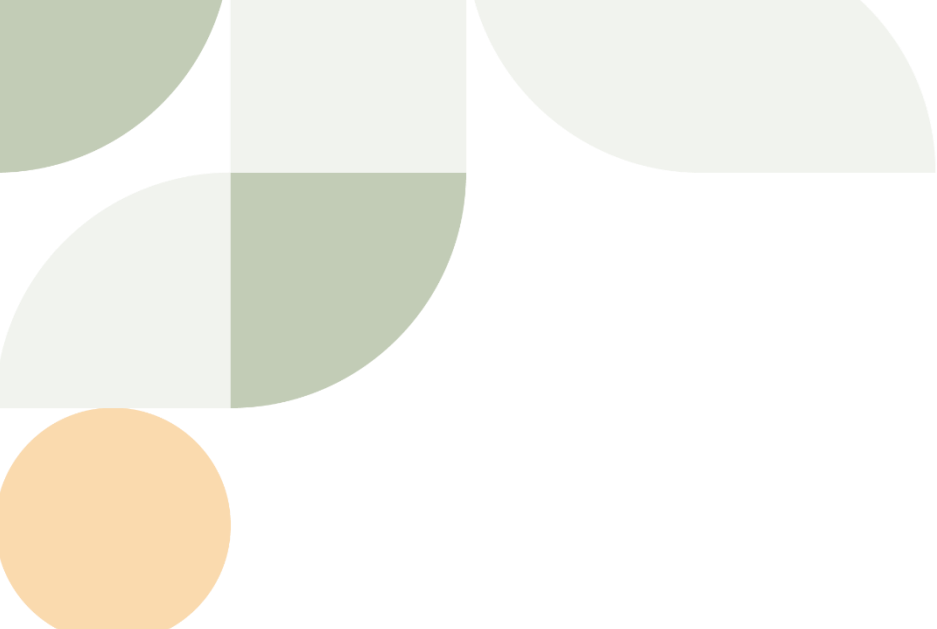




Lime Down

Solar Park

Written Summary of the Applicant's Oral Submissions and Responses at Compulsory Acquisition Hearing 1 and Responses to Action Points

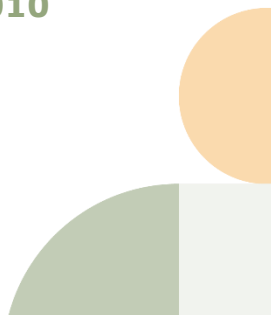
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The Infrastructure Planning (Examination Procedure) Rules 2010



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1 Summary of Oral Submissions at Compulsory Acquisition Hearing 1

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1. Welcome, housekeeping, purpose of the hearing, participant introductions	The ExA introduced the hearing and made some preliminary remarks. The following parties introduced themselves during Compulsory Acquisition Hearing (CAH) 1: <u>Applicant</u> • Claire Brodrick, Partner at Pinsent Masons LLP (solicitors for the Applicant) • Jacob Burton, Managing Senior Associate at Pinsent Masons LLP (solicitors for the Applicant) • Will Threlfall, Senior Project Development Manager, Island Green Power (project lead for Lime Down Solar Park) • Robert Jones, Dalcour Maclaren • William Barrett, Technical Director, Environment at AECOM <u>Wiltshire Council</u> • Yohanna Weber, Davitt Jones Bold, on behalf of Wiltshire Council • Alwyn Thomas, Wiltshire Council • Nic Thomas, Director of Planning at Wiltshire Council

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	<u>Affected Persons</u> • Isabel Ross, on behalf of herself and Richard Tanner • John Baillie • Ashton Hawker • James Cole • Matthew Newman • Jonathan Seymour Williams • Richard Fearnall, representing John Avis and Rosemary Avis, for KMT Farming and Consultancy Sarah Payne withdrew from the hearing.
2. The Applicant's case for CA and TP	The Applicant's case for CA and TP The ExA requested that the Applicant explain its approach to the Compulsory Acquisition (CA) and Temporary Possession (TP) powers sought in the draft DCO. In particular, the ExA asked the Applicant to address: - the powers sought and the purpose for which they are required; - the Applicant's methodology for determining whether freehold acquisition, acquisition of rights or TP powers are appropriate in a given case;

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	iii. the distinction between the relevant draft DCO provisions and how each is said to satisfy the applicable statutory and policy tests; iv. the alternatives considered to CA and TP powers; and v. the human rights considerations relevant to the exercise of those powers, including the circumstances in which rights under the Human Rights Act 1998 may be engaged. Ms Claire Brodrick, Partner at Pinsent Masons LLP, for the Applicant, provided a brief overview of the Applicant's approach. Ms Brodrick set out that to construct, operate, maintain and decommission the Scheme without impediment, the Applicant is seeking CA and TP powers in the draft DCO. The justification for these powers is set out in the Statement of Reasons [APP-018]. Ms Brodrick clarified for the purposes of this hearing, when referring to application documents, she would be referring to the original application references rather than amended versions submitted through the change application process. The Applicant is seeking a range of different powers, including CA of the freehold of land, as shown coloured pink on the Land Plans [REP1-004], which relates to the land needed for solar panels, substations, the Battery Energy Storage System (BESS) and habitat management areas. Ms Brodrick explained that the Applicant is also seeking CA of rights over land, including acquisition of new and the imposition of restrictions, as shown coloured blue on the Land Plans [REP1-004]. This primarily relates to cable route between the solar array sites and substations, and from the Scheme substation to the point of connection at Melksham.

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	Ms Brodrick stated that in addition to rights, the Application is seeking TP powers of land, which Ms Brodrick explained is a lesser power and is required for construction works, as shown coloured yellow on the Land Plans [REP1-004]. However, the Applicant will also be able to take TP over the remainder of the Order land so that works can be carried out to construct the cabling and then a much narrower permanent acquisition of rights can be sought for the final cable route. Ms Brodrick explained that Schedule 9 of the draft DCO [REP3-005] provides the purposes for which rights may be compulsorily acquired over the 'blue' land. Broadly, this is to create rights of access to the Scheme and to create easements to install, use, maintain and protect the cables. Ms Brodrick noted that Schedule 11 provides the purposes for which TP powers are being sought. Ms Brodrick explained that the Book of Reference [REP3-009] sets out the persons that the Applicant considers, having undertaken diligent enquiries, may have an interest in the Order land or may be eligible to make a relevant claim for compensation should the DCO be granted. She confirmed this includes persons who are the owner of the land, persons who are occupiers of the land but also a range of person who have an interest in the Order land, including rights of way, benefits of a restricted covenant or various statutory undertakers who have apparatus within that land. She explained the Applicant has taken a conservative approach to identifying affected persons, particularly where land is not registered at the Land Registry. Ms Brodrick confirmed that for this reason, there are some plots within the Book of Reference where persons are listed as the "reputed owner" or listed as unknown interests, as this reflects where there is no registered title and the Applicant is

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	unable to confirm definitively who has an interest in that land. For example, there are a number of plots where the Applicant has taken a precautionary approach and listed Wiltshire Council as potentially having an interest in land, particularly of unregistered strips of land or verges adjacent to highway. Ms Brodrick explained the Applicant is aware that Wiltshire Council has provided comments on the extent of their land interests at Deadline 3. <i>Post hearing note:</i> <i>The Applicant will be updating the Book of Reference at Deadline 5 to take into account Wiltshire Council's comments.</i> In terms of deciding which power would be sought over the land, Ms Brodrick explained that the Applicant has sought to use the less onerous power if possible. For example, where rights are sufficient, instead of CA of the freehold, the Applicant has sought rights, and where TP of the land is suitable is the Applicant has sought TP powers. Ms Brodrick stated that Article 21 of the draft DCO [REP3-005] contains the power to compulsorily acquire land required for the Scheme or to facilitate it, or as is incidental to it. She also explained that Article 21 is subject to Article 24, which limits the powers over 'blue' land so that only rights and restrictions can be sought over that land. Ms Brodrick explained that Article 31 of the draft DCO [REP3-005] permits the temporary use of land. Article 31 sets out how temporary use can be sought over the entirety of the Order land, but in respect of those plots coloured yellow on the Land Plans [REP1-004], only TP may be taken.

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	Ms Brodrick ran through the statutory tests. She explained that Section 123 of the Planning Act 2008 has been satisfied by the Applicant as the Application for the Scheme included a request for CA of land. Ms Brodrick explained that Section 122 of the Planning Act 2008 sets out the purpose for which those powers can be sought. She stated Section 122(3) requires that there is a compelling case in the public interest for the land or rights over land to be subject to CA. The Applicant refers to the Planning Statement [REP3-081] and the Statement of Need [REP1-085] and considers that it has demonstrated that there is a compelling interest for the powers to be granted for this nationally significant infrastructure project. Ms Brodrick explained that the public interest in the Scheme is clearly set out in national policy. The Scheme is critical national policy infrastructure as it is renewable energy generation and will also contribute to the security of energy supply and resilience of the electricity system. Ms Brodrick stated there are a number of other tests in the Planning Act that also need to be satisfied in relation to CA powers. She explained that those include Section 127 of the Planning Act 2008 which applies in relation to statutory undertaker land, where a statutory undertaker has made a representation and it has not been withdrawn. In this case the Secretary of State must be satisfied that there will not be any serious detriment to the carrying on of the undertaking. She stated the Applicant envisages that this point may be covered at ISH4 on Friday regarding status of negotiations. Ms Brodrick explained that the Applicant is in negotiations with statutory undertakers regarding the form of protective provisions, and it is the Applicant's position that the inclusion of those protective provisions means there will not be any serious detriment to the statutory undertaker's undertaking.

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	Ms Brodrick stated there are a number of other provisions in the Planning Act 2008 relating to compulsory acquisition, including Section 132 and Section 135 of the Planning Act 2008. Section 132 of the Planning Act 2008 applies to special category land, however, there is no special category land within the Order limits for this Scheme. In respect of Section 135 of the Planning Act 2008, which applies to Crown land, the Secretary of State for Defence has confirmed that it does not have an interest in the Order land. In relation to the remaining Crown interests, namely the Secretary of State for Work and Pensions and the Secretary of State for Environment, Food and Rural Affairs, the Applicant is continuing to seek confirmation from those bodies that they do in fact have an interest in the Order land. Ms Brodrick stated that, should their interest in the Order limits be confirmed, the Applicant would seek the necessary consents under section 135 of the Planning Act 2008. However, the first step is for those bodies to positively confirm that they still have an interest in the Order limits, as a number of those interests are historic. Section 138 of the Planning Act 2008 relates to statutory undertakers and requires the Applicant to demonstrate that the powers being sought are necessary and the Applicant refers back to the comments made on the protected provisions and how that these control the interface between the Scheme and the statutory undertaker's apparatus. In relation to the consideration of alternatives to CA and TP, Ms Brodrick explained that the Applicant has sought to acquire the land and rights required to deliver the Scheme through voluntary negotiations and has entered into option agreements with the owners of each of the eight landholdings comprising the five Solar PV sites (Lime Down A–E). However, Ms Brodrick stated that it remains necessary to include CA powers over this land to ensure that the Scheme is deliverable without

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	impediment. For example, to protect against a scenario whereby contracts are not adhered to or otherwise set aside, including: (i) the owners of the land do not grant a lease; or (ii) the contracting party dies, or is declared insolvent. Ms Brodrick submitted that, in those circumstances, it would be in the public interest for the Scheme to continue to proceed and meet its grid connection date, and the CA and TP powers over this land are therefore still required for the Scheme. The Land Rights and Negotiations Tracker [REP3-011], which was updated at Deadline 3, provides a summary of the current status of negotiations with landowners and further detail is set out in the Land Rights Communication Log [REP3-130], which was requested and submitted at Deadline 3. The Log provides a more detailed breakdown of the discussions undertaken with landowners to date. Ms Brodrick explained that the Applicant is mindful that a number of landowners, particularly along the cable route, have an in-principle objection to the Scheme and therefore may not be willing to enter into a voluntary agreement until such time as the Secretary of State has made a decision on whether to grant development consent. Ms Brodrick stated that, notwithstanding this, the Applicant has continued to engage with those landowners who are willing to have discussions. In particular, she noted that land agents have been negotiating heads of terms notwithstanding their clients' in-principle objections to the Scheme. Ms Brodrick stated that the Applicant also needs powers to extinguish and/or suspend rights and override easements and other rights in the Order land to the extent that they would conflict with the construction or operation of the Scheme, to ensure its delivery. Ms Brodrick explained that this is standard practice for NSIPs

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	and enables the Applicant to deal with a scenario where any unknown third-party interests were to come forward between now and when the Scheme is constructed. In respect of human rights, Ms Brodrick explained that in Section 9 of the Statement of Reasons [APP-018] sets out the Applicant's approach in relation to the European Convention on Human Rights that was incorporated into UK law by the Human Rights Act 1998. Ms Brodrick explained that a number of articles are engaged and that Section 9 sets out that there is a process which is fair in the sense that affected landowners have the opportunity to participate during the Examination of the DCO Application and are also able to bring a statutory challenge to the DCO should CA powers be granted. Ms Brodrick stated that the Applicant has sought to minimise both the extent of the land and the nature of the rights sought. In respect of the cable route corridor, she explained that a wider area of land has been included within the DCO to enable the cable to be microsited at the detailed design stage. This ensures that the cable can be located in the preferred position following more detailed ground investigations and electrical cable design work. Ms Brodrick noted that this information is not available at the current stage of the DCO process. Ms Brodrick explained that the extent of land shown on the plans is not the full extent of land that will ultimately be affected. Rather, there will be a much narrower corridor within that area which will be subject to physical works and, once those works are completed, a further narrower corridor which will be subject to permanent easement rights.

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	Ms Brodrick explained that the CA process also involves the payment of compensation to landowners affected by the Scheme and in respect of the powers sought. Referring to the Applicant's response to the ExA's First Written Question CA1.15 [REP3-128], she stated that the Applicant is not aware of any particular interest which could not be compensated financially for the disturbance caused during construction, noting that the land would be reinstated afterwards. Accordingly, the Applicant is satisfied that the relevant human rights tests have been met. Ms Brodrick noted that further detail on the extent of, and approach taken to, CA powers is set out in section 2.3 of the Applicant's response to the ExA's First Written Question (in particular the response to CA1.1) [REP3-128]. The ExA queried whether the circumstances relied upon by the Applicant to justify CA of rights, rather than acquisition of land, would make the Scheme simpler to deliver and more efficient. In response to comments made by Ms Ross, on behalf of Park Farm and Yatton Keynell, Ms Brodrick explained that the Applicant has only sought permanent acquisition of land, namely the freehold, where it needs to control land during operation of the Scheme. This includes the land within the solar panel sites, BESS and the substations. Ms Brodrick explained that, in relation to other elements of the Scheme, such as the grid connection cable, the land will be restored following construction because those elements are underground. She stated that the landowner will be able to continue using the land as before, subject to a number of restrictions to ensure that

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	the cable is not damaged. However, the construction methodology allows the land to continue to be used for arable or agricultural production. Ms Brodrick noted that there are some activities for which the consent of the Applicant may be required. By way of example, where a landowner wishes to undertake intrusive drainage works, those works are not necessarily prohibited, but the landowner would need to provide details of the proposals so that the Applicant can check that the integrity of the cable would be retained. Ms Brodrick stated that the Applicant does not consider it appropriate to acquire the freehold of that land because it can continue to be used by the existing landowner throughout the operation of the Scheme. She explained that the impact is temporary during construction and, once the cable has been laid, the land can be used again. Similarly, Ms Brodrick explained that, where access rights are being sought, those rights can be enjoyed in common with others. Accordingly, the Applicant does not consider that it needs to acquire the freehold of those access routes because the landowner can continue to use both the land and the access route. Ms Brodrick concluded that the Applicant considers it has sought to acquire the minimum rights necessary for the Scheme. The ExA sought clarification that the Applicant is seeking the least impactful rights over land holdings and rights. Ms Brodrick confirmed that the Applicant is seeking the least impactful rights both in terms of nature of the rights and spatially. Ms Brodrick explained that the corridor shown on the Land Plans represents the maximum extent within which a smaller working width can be located. She stated that, typically, the working width would be

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	30 metres wide, with a permanent easement over a 10-metre strip. Ms Brodrick explained that the permanent easement would cover the cable circuits themselves together with the areas on either side required to protect the cables. This is the area of land over which permanent easement rights would be sought. Ms Brodrick noted that there are some exceptions to this approach. For example, where the cabling crosses particular constraints, such as the M4 or railways, there may be requirements for the circuits to be spaced further apart. In those circumstances, land on either side of the crossing points may be subject to wider widths before narrowing again beyond the crossing. Ms Brodrick reiterated that, typically, the temporary working width would be 30 metres, with a 10-metre permanent easement. The ExA asked the Applicant if there are circumstances where the proposed acquisition of rights as distinct from land then could unfairly burden a landowner or an occupier. Ms Brodrick stated that the Applicant does not consider there would be an unfair burdening of the land, on the basis that compensation is payable. She explained that, where land is in arable or other agricultural use and will continue to be used for those purposes, the cable can coexist with that use. Ms Brodrick noted that, where a landowner has development proposals for its land and those proposals are constrained by the presence of the cable, there may be a case for additional compensation to be paid to reflect any reduction in the value of the land arising from the presence of the cable. However, Ms Brodrick explained that the Applicant would typically seek to work with landowners and that, even where larger development proposals are contemplated,

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	it may be possible for the cable to be located beneath roads or within landscaping areas so that development can continue on the remainder of the land. The ExA queried the distinction between the different descriptions used in the Book of Reference, including beneficiaries under unilateral notices relating to agreements for lease, agreements for lease, option agreements and call option agreements. In response, Ms Brodrick explained that these plots are all subject to option agreements in favour of the Applicant. She stated that the differing terminology reflects the manner in which the Land Registry has recorded those interests on the relevant titles. Ms Brodrick explained that where the Applicant enters into an option agreement with the landowner, such as for the solar PV sites, it registers the existence of that option agreement on the Land Registry title, and that is to protect the Applicant, should the landowner wish to sell their land or grant somebody else a lease over their land, so that a potential purchaser is aware of the fact that the land is subject to an option agreement in favour of the Applicant. The ExA sought confirmation that the various descriptions did not represent different types of option agreement. Ms Brodrick responded that the Applicant holds options for leases over all of the Solar PV Sites . Whilst the terms of those leases may vary slightly, she was not aware of any distinction in the underlying agreements arising from the different terminology used in the Land Registry entries. Ms Brodrick added that the Applicant would review the point and confirm whether there was any particular reason for the variation in wording.

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	<i>Post Hearing Note:</i> Please see the Applicant's response to Action Point 1 in Section 2 below. The ExA asked what weight had been given to the existing use of land proposed to be affected by CA and TP, particularly in relation to the human rights and livelihoods of tenant farmers as distinct from landowners. Ms Brodrick explained that there are two categories of occupiers to consider: tenants occupying land within the Solar PV sites and tenants occupying land along the cable route corridor. In relation to the cable route corridor, Ms Brodrick explained that the works are temporary in nature and would typically take place over a matter of months. Compensation would be payable for any disruption caused. She noted that, where the cable route passes through the middle of fields, the Applicant would ensure that suitable crossing points are provided across the working width so that land is not severed during construction and people and animals can continue to move from one side of the corridor to the other. On that basis, and having regard to its understanding of the use of the land, the Applicant considers compensation to be an adequate remedy. In relation to the Solar PV sites, Ms Brodrick explained that different arrangements apply depending on the nature of the tenancy. Some tenancies are capable of being terminated by the landowner and are therefore more temporary in nature, whilst others involve longer-term arrangements. She stated that discussions have taken place regarding the financial packages to be offered and whether other land within the relevant landowner's holding could be made available as replacement land. Where a tenant farmer wishes to continue farming in the area, alternative land may be offered to them as an alternative.

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	The ExA asked the Applicant the extent to which the Applicant will be assisting landowners to look for alternative land. Ms Brodrick explained that, under the terms of the contractual arrangements, responsibility rests with the landowner. However, the Applicant is providing assistance through reimbursement of legal fees and support with other administrative requirements. Ms Brodrick noted that in the event CA powers were to be exercised, responsibility would instead rest with the Applicant. As part of those discussions, assistance in identifying alternative sites could be provided and heads of claim could include relocation costs, including the costs of establishing replacement areas of land so that they are equivalent to those previously utilised. The ExA asked the Applicant to explain their approach towards Category 3 parties. Ms Brodrick explained that Category 3 persons comprise a number of different parties, including persons falling within section 10 of the Compulsory Purchase Act 1965 who may be entitled to compensation where a right or interest in land is interfered with during construction. The Applicant considers that the majority of those interests can coexist and is not currently aware of any specific section 10 claimants at this time. Ms Brodrick further explained that Category 3 includes Part 1 claimants, being persons who may be eligible for compensation as a result of a diminution in the value of their property during operation of the Scheme. However, the statutory process is limited to circumstances where that diminution in value is caused by physical factors, such as noise or potentially glint and glare.

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	Ms Brodrick set out that for the purposes of the Book of Reference, the Applicant had adopted a very conservative approach and included all persons identified through the Environmental Impact Assessment as potentially impacted by the Scheme. As a result, the threshold for inclusion in the Book of Reference had been set very low. Ms Brodrick stated that the Applicant did not currently consider that any person would be successful in making such a claim, given the mitigation measures proposed as part of the Scheme. Accordingly, the Applicant had not undertaken any specific negotiations with such affected persons, as it had not identified anyone who would definitely suffer an compensatable impact. Ms Brodrick distinguished the position from projects such as roads projects, where it may be known in advance that particular persons will be exposed to noise impacts and therefore may be entitled to make a claim. She explained the Applicant's position is that the operation of the Scheme would not result in impacts giving rise to a diminution in value caused by physical factors.
3. Site specific representations by APs	Ms Ross, on behalf of herself and Mr Tanner, raised various concerns regarding the impact of the cable route on their farming and equestrian businesses, including the loss of permanent pasture, reduction of a rare-breed sheep flock, disruption to hay production and grazing land, and the viability of their property and business operations. The Applicant notes that Ms Ross stated that she did not intend to enter into an agreement with the Applicant. Ms Brodrick, on behalf of the Applicant, acknowledged that CA powers are an onerous mechanism which can cause significant concern and uncertainty for affected landowners. She also acknowledged the time and effort required to participate in what is a document-heavy process. Ms Brodrick stated that the Applicant recognises those concerns and has offered to meet with landowners,

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	both directly and through their agents, to discuss them. Ms Brodrick noted that, notwithstanding discussions through agents on heads of terms, Ms Ross and Mr Tanner had made clear that they were not currently willing to enter into a voluntary agreement. Referring to Plot 10-004 on the land plans, Ms Brodrick explained that the cable route runs south from the M4 crossing between a number of settlements and individual properties. She noted that an area of woodland lies to the east of the plot and that this was part of the reason for routing the cable between the two farms. In response to concerns regarding a 50-metre working width, Ms Brodrick clarified that whilst the Order Limits extend to 50 metres at this location, the construction working width would be 30 metres. She stated that works are anticipated to be carried out by open-cut trenching, with the trench itself being approximately 1.7 metres wide, and that the physical construction works in this location are anticipated to last for around one month. Ms Brodrick further explained that access across the working width would be maintained during construction. Land to both the east and west of the cable corridor would therefore remain available for sheep grazing. Ms Brodrick explained that it is the Applicant's position that the impacts would be significantly less than those envisaged by Ms Ross and that the consequences identified, including substantial changes to the farming business, would not be expected to arise. In relation to compensation, Ms Brodrick clarified that the figure referred to by Ms Ross related to compensation for the permanent easement only. She explained that additional compensation would be payable for other disturbance losses arising from the works, including costs associated with relocating livestock or providing

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	alternative feed sources. She noted that such losses would form part of the compensation assessment. Mr Robert Jones, on behalf of the Applicant, explained that the Applicant had undertaken extensive engagement in relation to the heads of terms. He noted that the land agents representing Mr Tanner and Ms Ross, together with a number of other agents, had formed a group with whom the Applicant had held several meetings and extensive discussions. The purpose of those discussions was to progress the heads of terms to a point where the agents were satisfied that they provided the protections required by their clients before being discussed with the individual landowners. Mr Jones stated that, notwithstanding the comments made by Ms Ross and the general reluctance to engage on heads of terms and the impacts on the farm, the detail of those concerns had only recently become apparent to the Applicant through the representations submitted during the Examination. Mr Jones added that the Applicant is keen to engage with Ms Ross and Mr Tanner to explore those concerns in greater detail and to work through any mitigation measures that could be considered and implemented to reduce disruption as far as practicable. Ms Brodrick noted that landowners can engage in discussions with the Applicant whilst maintaining their in-principle objection to the Scheme. She encouraged landowners to raise any specific measures they would wish to see implemented in the event that development consent is granted, noting that it may be possible for particular commitments to be secured through one of the outline management plans so as to provide confidence that those measures would be complied with during construction.

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	In relation to the pasture land in question, Ms Brodrick stated that the Applicant's position, supported by its ecologists, is that the proposed restoration measures are sufficient to restore the land. However, she noted that if the landowner has specific knowledge of the land and wishes to secure a particular commitment, the Applicant would encourage those discussions to take place. Ms Brodrick emphasised that any such engagement would not prejudice or weaken a landowner's in-principle objection to the Scheme. She acknowledged that some landowners may be reluctant to engage with the Applicant for fear that doing so could diminish the strength of their objection, but stated that the Applicant wished to make clear that participation in such discussions would not have that effect. The Applicant notes that the ExA reiterated that engagement with the Applicant does not prejudice an affected person's objection to the Scheme and noted that, if the Secretary of State were ultimately to grant development consent, opportunities to secure specific commitments from the Applicant regarding the treatment, restoration and compensation of affected land may be reduced. The ExA therefore observed that it may be in landowners' interests to continue dialogue with the Applicant, even where they remain fundamentally opposed to the proposals affecting their land. The ExA sought clarification as to whether, in addition to plot 10-004, plot 10-005 was also affected. Ms Brodrick clarified that plot 10-005 relates to the road and comprises a subsoil interest. She further explained that the Applicant understood that Mr Tanner had recently acquired additional land to the south. A copy of the transaction had recently been provided to the Applicant, and that the next version of the Book of Reference

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	would be updated accordingly. Ms Brodrick stated that her understanding was that Mr Tanner would now also own plot 10-006, being the field to the south. <i>Post Hearing Note: The Applicant confirms that the Book of Reference will be updated at Deadline 5 to reflect the revised ownership and interests, following receipt of documentation confirming the change of ownership.</i> Mr Baillie raised various concerns regarding the extent of land included within the CA powers compared to the limited length of cable proposed across his holding; the Applicant's approach to negotiations, including delays in agreeing heads of terms and disagreement over minimum cable depth; restrictions affecting participation in future sustainable farming schemes; alternative cable routing options; impacts on soil, drainage and field access during construction; and the adequacy of compensation. The ExA queried whether additional restrictions could be placed on construction traffic and machinery movements to better protect the land, whether access arrangements could be improved, and how the Applicant was addressing the specific concerns raised in relation to Mr Baillie's holding. Ms Brodrick thanked Mr Baillie for setting out his concerns and acknowledged that the volume of material submitted in the examination could make it difficult to identify when changes had, or had not, been made. She clarified that the DCO application was originally submitted on the basis of a cable corridor and temporary access routes that allow flexibility in routing. Ms Brodrick explained that whilst discussions had subsequently taken place with Mr Baillie and his agent regarding whether the corridor could be refined, the plans had not been amended following those discussions as agreement had not yet been reached. Ms Brodrick confirmed that

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	the full extent of the land shown on the Land Plans had been included in the DCO application from the outset. Ms Brodrick explained that, although geophysical surveys had been undertaken for archaeological purposes, further ground investigations would be required post-consent to determine the most suitable construction route for the cable. She noted that any routing through Mr Baillie's land also affects the alignment of the cable to the south and therefore the route must be considered across all parcels of land between the two solar arrays to avoid creating an excessively indirect cable route. Ms Brodrick rejected any suggestion that misleading or disingenuous discussions had taken place and emphasised that the plans had not changed since submission of the DCO application. She stated that the Applicant requires flexibility within the affected plots for a number of reasons. Turning to negotiations, Ms Brodrick explained that the some land agents are involved in a group, representing a large proportion of landowners along the cable route. She explained that discussions had therefore taken place at two levels: first, on generic heads of terms intended to apply across all affected landowners represented by that group; and secondly, through more bespoke discussions relating to the circumstances of individual landowners. She stated that the issue of cable depth was understood to be the final outstanding point within the generic heads of terms discussions. Ms Brodrick referred to the Applicant's Design Principles and Parameters document [REP3-084], which states that the minimum cable trench depth will be 1.2 metres. She explained that this is the minimum commitment the Applicant can make without detailed ground investigation surveys. Whilst the Applicant will seek, where practicable, to install the cable at a greater depth, it cannot contractually

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	commit to a minimum distance of 1.2 metres from the top of the cable to the ground surface because local ground conditions, such as rock layers, may make that impossible. Accordingly, the commitment relates to depth from the bottom of the trench to the surface. Ms Brodrick stated that this approach is typical of DCO projects involving underground grid connection cables and is not unique to solar developments. Ms Brodrick clarified that this is a standard minimum commitment pending more detailed site investigations. The ExA queried the Applicant's reliance on post-consent ground investigations and questioned what incentive the Applicant would have at that stage to install the cables at a greater depth. Ms Brodrick explained that the Applicant's commitment is to install the cable at a greater depth where practicable to do so and where ground conditions allow. However, Ms Brodrick explained that the Applicant cannot commit to doing so in all locations until the detailed ground surveys have been completed. By way of example, she noted that there may be existing apparatus, such as cables or pipelines, requiring the Applicant to route the cable above or below them, which could affect cable depth in particular locations. Ms Brodrick stated that the obligation is framed as a reasonable endeavours obligation and that the Applicant considers it is committing as far as it is able to at this stage, pending further survey work. The ExA queried how affected persons would be able to access and verify the information arising from future surveys. Ms Brodrick explained that different surveys are undertaken for different purposes and that surveys carried out to identify archaeological receptors may provide some information about soil conditions but are not necessarily the surveys required to

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	determine the precise construction route or cable depth. Ms Brodrick added that, whilst voluntary agreements may address notifications regarding cable depth, the Applicant would give consideration to whether further information could be incorporated into the Outline Construction Environmental Management Plan on this issue. Post Hearing Note: <i>The Applicant has updated the Outline Construction Environmental Management Plan [EN010168/APP/7.12] (Revision 5) to provide more detail regarding the process for confirming cable depths and this has been submitted at Deadline 4.</i> Mr Jones, on behalf of the Applicant, acknowledged Mr Baillie's engagement and cooperation in facilitating surveys to date. He explained that, from a heads of terms perspective, Mr Baillie's agent forms part of the wider land agent group previously referred to and that the latest update received by the Applicant was that only one point remains outstanding, with the other provisions being acceptable to the agents involved. In response to concerns regarding drainage, Mr Jones noted the challenges associated with heavy clay land, particularly in very wet or very dry conditions. He explained that the heads of terms contain drainage provisions, including a commitment to appoint an independent drainage consultant to assist with the design process. Mr Jones stated that the Applicant intends to work with Mr Baillie and other affected persons on the drainage design. Mr Jones further stated that the Applicant would welcome the opportunity to meet Mr Baillie on site to better understand the existing drainage arrangements and ground conditions. He explained that this would place both parties in a better

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	position to develop a drainage solution that is effective and reduces the risk of post-construction drainage issues associated with that type of land and soil. The ExA sought confirmation that inspection of existing drainage infrastructure would be undertaken pre and post construction and that this was a firm commitment secured through the application documents. In response, Mr Jones confirmed that it was, referring to the ES Volume 1, Chapter 11 Hydrology, Flood Risk and Drainage [APP-063], and noted that the commitment is also reflected in the heads of terms. The ExA asked the Applicant to comment on Mr Baillie's concern that the Scheme may prevent participation in agricultural environmental stewardship Schemes. In response to comments made by Mr Jones, Ms Brodrick explained that compensation is not limited to the cable easement itself and that there are a number of different heads of claim which may be available depending on the circumstances of the individual landowner. She noted that these may include claims for crop losses during construction and subsequent years, losses arising from contractual arrangements that can no longer be complied with, and the loss of eligibility for Scheme payments. Ms Brodrick stated that it was difficult to comment on the specifics of Mr Baillie's situation during the hearing, as further discussion would be required to understand the requirements of the particular stewardship scheme and whether the Scheme would affect eligibility. She noted that the Applicant would wish to work with Mr Baillie and his agent to establish whether the Scheme would in fact prevent participation.

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	Ms Brodrick confirmed that the Applicant is willing to have more detailed discussions with affected landowners and considered that a discussion involving both Mr Baillie and his agent may be more productive than engagement solely through the wider land agents' group. The ExA asked whether affected persons were aware of the heads of claim process. Ms Brodrick explained that the Statement of Reasons refers landowners to Government guidance on compensation for agricultural landowners affected by CA, which sets out the different categories of compensation that may be claimed. She added that the Applicant's discussions with landowners and their agents have primarily focused on securing voluntary agreements, reflecting the Applicant's preference to reach agreements by negotiation rather than rely on CA powers. Mr Baillie raised concerns regarding long-term drainage issues, the sharing of ecological survey information relating to his land, and the justification for retaining a wide cable corridor. The ExA noted that badger survey information is treated as confidential and cannot be published through the Examination. The ExA suggested that the Applicant and Mr Baillie discuss the issue separately. <i>Post Hearing Note:</i> The Applicant has reached out to Mr Baillie to arrange a meeting with him and his agent to discuss the issues raised at CAH1. The Applicant has updated the Land and Rights Negotiations Tracker [EN010168/APP/4.4] (Revision 6) at Deadline 4 along with the updated Land and Rights Communication Log [EN010168/EXAM/9.31] (Revision 2) to reflect this.

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	<i>The Applicant has made contact with Mr Baillie to confirm that the badger survey data cannot be shared due to its confidential nature.</i> Ms Brodrick acknowledged the frustration arising from the distinction between the information required to support the DCO application and the more detailed information that would only become available following consent. She explained that some of the information landowners are seeking cannot yet be provided because the electrical design has not been finalised and further surveys are required. Ms Brodrick clarified that, whilst CA powers have been sought over a wider area, the Applicant would only be able to exercise those powers over the land actually required for the Scheme. She stated that the Applicant has made clear that it does not require the entirety of the affected land and merely needs flexibility to locate the cable somewhere within that area. Accordingly, even if powers are granted over a wider area, the Applicant would need to demonstrate at the point of exercise that the land is required for the project. Ms Brodrick noted that, whilst the plans do not show that distinction, there remains a legal check and balance requiring the exercise of powers to be proportionate and limited to land needed for the purposes for which the powers were sought. In relation to drainage, Ms Brodrick explained that a number of drainage measures are proposed through the voluntary agreements and that compensation under those agreements would not be limited to a single payment. She stated that, should ongoing drainage issues arise, the Applicant would be required either to rectify those issues or compensate for them in accordance with the terms of the agreement. Ms Brodrick further noted that drainage-related provisions are included within the Outline Construction Environmental Management Plan. The Applicant undertook to

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	review the position and consider whether additional wording could be included within the management plan to provide reassurance that the issue would be addressed even where a voluntary agreement is not entered into. Post Hearing Note: <i>The Applicant has reviewed the current wording within the Outline CEMP [EN010168/APP/7.12] (Revision 5) and included further detail in Table 11 regarding the process for identifying existing agricultural field drains and reinstating, diverting or otherwise making good such drains. The Outline CEMP has been updated at Deadline 4 to incorporate this.</i> The ExA questioned whether there should be a mechanism for addressing any issues that emerge over time, recognising that modelling may not always be accurate for events such as flooding. Ms Brodrick responded that the issue was largely one of ensuring commitments are secured in the appropriate management plan. She agreed that it may be beneficial for the Outline Construction Environmental Management Plan to provide greater clarity for landowners as to the commitments the Applicant is willing to make. Ms Brodrick also highlighted that a mitigation route map is due to be submitted and observed that commitments of this nature would ordinarily be captured through commitments registers and mitigation route maps. The mitigation route map will be submitted at Deadline 7. Mr Baillie queried which part of his land would be used, in light of the CA powers being sought over four fields. The Applicant notes that the ExA explained that the statutory tests require the Applicant to demonstrate that it is taking no more land than is necessary and that, when exercising CA powers, the Applicant would need to justify the extent of land

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	actually required. The ExA acknowledged, however, that this may not be apparent to affected persons from the plans alone and suggested that the Applicant could make this clearer during discussions with landowners and their agents. In response, Ms Brodrick stated that the Applicant has sought to explain through discussions with land agents how the project is intended to be constructed and the extent of land actually required. She acknowledged that this messaging may not have reached all landowners and apologised for any resulting confusion. Ms Brodrick noted that relevant commitments are currently spread across a number of documents, including the Environmental Statement, management plans and design principles, which can make them difficult to follow. She explained that the forthcoming mitigation route map is intended to act as a signposting document, enabling affected persons to identify more easily where particular commitments are recorded. Ms Brodrick reiterated that the Applicant would be willing to meet with any affected person to discuss the proposals as they relate to their particular landholding. Mr Fearnall, on behalf of Mr and Mrs Evis, expressed concern that the construction required would sever Mr and Mrs Evis' land and that the rights sought are excessively wide, extending across the construction, operational and decommissioning phases. Mr Fearnall queried: (i) whether all rights sought over plots 05-043 and 06-001 to 06-006 are necessary; (ii) how long those rights would endure and when they would be exercised; and (iii) what the anticipated operational life of the Scheme is. Mr Fearnall also submitted that the impact of the CA powers creates uncertainty for farm management, investment and succession planning.

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	The ExA referred to the Land Rights Negotiation Tracker [REP3-011], which recorded a meeting on 19 June 2026, and queried whether the parties were close to reaching a voluntary agreement. The Applicant notes that Mr Fearnall responded that, whilst engagement had been positive and a number of meetings had taken place, the parties had yet to see a set of heads of terms that properly reflected the discussions held to date. Ms Brodrick explained that, in respect of this land, the Applicant is seeking rights for both the underground cabling and access. She stated that access is required because solar panels for the site to the east would be brought through the land and that the access route would also be used for replacement activities and decommissioning, avoiding the need to route traffic through the nearby village. She explained that a permanent access right was sought because this was considered preferable to repeatedly constructing and removing a temporary track over the lifetime of the Scheme. Ms Brodrick reiterated that the Applicant is seeking flexibility to microsite both the cable and access track within the area shown. Whilst rights are sought over a wider area, the Applicant does not intend to use the full width of land shown on the plans. She further noted that crossing points would be provided across the working width during construction to ensure land is not severed and submitted that concerns regarding wider impacts beyond the Order Limits could be mitigated through those measures. In relation to timescales, Ms Brodrick explained that the Applicant would have five years to exercise any CA powers and would need to identify during that period the

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	specific land required for the permanent rights. She acknowledged that this creates an element of uncertainty as to which areas may ultimately be affected. Ms Brodrick noted that the Scheme is proposed to operate for no more than 60 years and referred to commitments relating to community liaison groups, phasing and communication measures intended to provide greater transparency to landowners and the local community regarding the timing of activities. She submitted that the rights sought should not be viewed in isolation, but alongside the wider commitments governing the construction, operation and decommissioning of the Scheme. Ms Brodrick confirmed that discussions remain ongoing between the Applicant's land agents and Mr Fearnall regarding whether the affected area can be reduced and whether the proposed permanent access road could instead be provided on a temporary basis. Whilst those discussions will continue, Ms Brodrick stated that the Applicant does not agree that the rights sought are excessive and considers them necessary to deliver the Scheme at this stage of the process. <i>Post Hearing Note:</i> Please see the Applicant's response to Action Point 4 in Section 2 below. Mr Hawker raised concerns about the uncertainty over land take (55–70 acres), the impact on his farming business, soil quality, and potential DEFRA/environmental Scheme implications. He questioned the working width, cable depth and decommissioning methodology. He also sought clarification on compensation, heads of terms, and whether trenches would be reinstated within a month or left open for an extended period.

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	The ExA sought clarification on the land plots being discussed. Ms Brodrick, on behalf of the Applicant, explained that Mr Hawker's interests comprise both land he owns and separate areas that he farms under a lease. In relation to the owned land, she noted that the plans show a standard cable corridor with additional land either side to facilitate access north and south of the route. Ms Brodrick further explained that other plots show a wider extent of land because flexibility is required for how the different parts of the Scheme will be connected and to accommodate the precise location of the proposed railway crossing. She stated that, to some extent, the final cable alignment will be influenced by the requirements of that railway crossing. The ExA sought clarification from Mr Hawker on how the affected land is currently farmed. Mr Hawker explained that the leased land is not used for grazing, although the land at Grittleton is used for cattle grazing. The ExA also asked about the status of negotiations. The Applicant notes that Mr Hawker stated that he has not yet appointed an agent, although he expects to do so shortly. Ms Brodrick explained that the Applicant encourages landowners to appoint land agents, with the associated costs covered by the Applicant, to provide reassurance that the heads of terms are typical for projects of this nature and to assist in identifying any bespoke provisions required for individual landholdings.

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	In relation to concerns regarding hedgerows and above-ground infrastructure, Ms Brodrick explained that the detailed locations of link boxes are not yet known because the final electrical configuration has not been confirmed. She stated that link boxes will be required where sections of cable are joined together and that, where practicable, the Applicant will seek to locate them within field margins. Where this is not possible and additional land is affected by above-ground infrastructure, this would be reflected through compensation. Ms Brodrick noted that the construction methodology will vary depending on the type of construction involved (e.g. open cut or trenchless). Typically, ducts would first be installed and the land reinstated, after which cables would be pulled through the ducts and tested before works are fully completed. She stated that the Applicant could provide further information on the sequencing of construction works to assist affected landowners in understanding how works would be carried out across the cable route. The ExA suggested that, as part of ongoing negotiations, the Applicant could provide clearer signposting to relevant information for landowners. Ms Brodrick added that some of this information is already contained within the application documents, particularly the Scheme Description, but indicated that the Applicant could draw the relevant information together within its written summary of the hearing so that it is more readily accessible in a single location. Post Hearing Note: Submitted documents containing information in particular regard to installation and operation of the 400 kV cable are listed below. • <i>Environmental Statement Volume 1, Chapter 3 The Scheme [APP-055], Section 3.4.</i>

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	• <i>Environmental Statement Volume 3, Appendix 3-2 Cable Route Construction Method Statement [REP3-043].</i> • <i>Grid Connection Statement [APP-270].</i> • <i>Outline Ecological Protection and Mitigation Strategy [REP3-102], Section 7: Method Statement 6 (page 20) Temporary Habitat Removal and Reinstatement (Cable Route Corridor) and Method Statement 7 (page 24) Precautionary Horizontal Directional Drilling Methodology.</i> • <i>Outline Soil Resources Management Plan [REP3-098], Section 1.7 Soil Disturbance, Section 1.8 Soil Handling Methods.</i> • <i>Outline Construction Environmental Management Plan [REP3-092], all sections, in particular Section 3.4 Ecology and Biodiversity, Section 3.5 Arboriculture, Section 3.6 Hydrology, Flood Risk and Drainage, Section 3.12 Soils and Agriculture, Section 3.14 Ground Conditions.</i> • <i>Outline Operational Environmental Management Plan [REP3-094], all sections, in particular Section 3.4 Ecology, Section 3.5 Arboriculture, Section 3.6 Hydrology, Flood Risk and Drainage, Section 3.12 Soils and Agriculture.</i> • <i>Outline Decommissioning Strategy [REP3-096], all sections, in particular Section 2 Decommissioning Environmental Management, Section 3 The Scheme, 3.4 Ecology and Biodiversity, Section 3.12 Soils and Agriculture.</i> The ExA further noted that written responses to affected persons' written representations should direct landowners to the specifics of relevant documents. Ms Brodrick noted the point and acknowledged that, although the Applicant has

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	sought to refer to specific sections and paragraph numbers in its responses, the volume and length of the application documents can make it difficult for individuals to locate the relevant information. Mr Fearnall noted, whilst improved signposting to the relevant application documents would be helpful, it was equally important that the protections and commitments are carried through into the voluntary agreements. Ms Brodrick noted the point and explained that the Applicant would not generally seek to duplicate commitments across multiple documents. She stated that where a commitment is secured through a management plan or another DCO-controlled document, it would not necessarily be replicated within a voluntary agreement, as the Applicant would be required to comply with that commitment in any event. The ExA emphasised that, for the purposes of negotiations on heads of terms and any voluntary agreements, it is important that affected persons are aware of the commitments being relied upon by the Applicant and that it is clear where those commitments are secured. Mr Cole questioned whether the cable routing through his land was justified given the potential for a trenchless solution via neighbouring land, owned by Mr Walker. He raised concerns over drainage, soil productivity, impacts on his miscanthus crop, and whether reinstatement would successfully restore agricultural productivity, including contingency measures if unsuccessful. He also queried the location of cable joints, long-term maintenance strategy, and how future faults and access requirements would be managed, particularly during flooding.

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	The ExA queried why the cable route did not continue through Mr Walker's land, given the understanding that Mr Walker is a beneficiary of the Scheme. •Mr Barrett explained that a recurring theme raised by landowners concerned reinstatement of the cable corridor. He noted that the Applicant is mindful of the sensitive ecological areas and historic grazing land affected by the proposals, including Gauze Brook. Referring to the Ecological Protection and Mitigation Strategy [REP3-103], Mr Barrett highlighted Method Statement 6, which addresses temporary habitat removal and reinstatement. He explained that this document sets out the proposed mitigation measures and that the method statements will be developed further prior to construction, providing additional detail on how reinstatement will be undertaken. Mr Barrett also referred to the Outline CEMP [REP3-093], which contains measures relating to drainage, monitoring and management of existing drainage infrastructure. He noted that the Applicant had heard the concerns raised during the hearing and would consider whether additional detail should be included. <i>Post Hearing Note:</i> As noted above, the Outline CEMP [EN010168/APP/7.12] (Revision 5) has been updated at Deadline 4 to confirm that within the cable installation working width, existing agricultural field drains identified in consultation with the landowner prior to the start of the relevant works, or encountered during those works, will be recorded. Where such drains are disturbed by the cable installation works, they will be reinstated, diverted or otherwise made good following completion of the relevant section of construction so as to maintain the affected field drainage function.

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	Addressing the proposed route near Gauze Brook, Mr Barrett confirmed that the area forms part of what the Applicant describes as an “avoidance area”. Mr Barrett stated the Applicant will provide references to the drawings in the written submission. He explained that avoidance areas are identified around more sensitive environmental receptors and that Gauze Brook is one such location. He stated that the route had been developed through the environmental assessment process with the objective of minimising effects on Gauze Brook. Mr Barrett further noted that a scheduled monument is located immediately to the north of Gauze Brook and that the combination of environmental and heritage constraints had informed the definition of the avoidance area. Mr Barrett confirmed that the trenchless crossing would require launch and exit pits to the north and south of Gauze Brook. He referred to ES Volume 3, Appendix 3.2 Cable Route Construction Method Statement [REP3-042], which describes the installation process and includes indicative layouts showing the launch and exit pits, compounds, plant and equipment that may be required. Finally, Mr Barrett acknowledged the high-water-table conditions associated with the Gauze Brook area, particularly to the south of the crossing. He explained that the Outline CEMP contains measures addressing the risk of water ingress into launch and exit pits and that this document will be developed further prior to construction and be approved by Wiltshire Council in consultation with Natural England and other stakeholders. Mr Barrett stated that the document sets out measures governing how construction activities will be planned, managed and monitored, including measures intended to prevent water ingress and pollution affecting Gauze Brook, which is treated as a particularly sensitive receptor.

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	Ms Brodrick asked Mr Barrett to confirm that the cable route would need to cross Gauze Brook at this location and that the decision for the route to go through Mr Cole's land was to avoid the area of woodland that is located in Mr Walker's land. Mr Barrett confirmed that this was correct. He explained that the route had been designed to avoid a wider area of woodland to the south, as well as a separate block of woodland to the west. These woodland constraints were a key factor in the route selection and in avoiding those areas of vegetation. The ExA emphasised that discussions with affected persons should be much further advanced by this point in the process. Ms Brodrick acknowledged the ExA's concerns and noted that there are a variety of reasons why some landowners have not wished to engage with the Applicant to date, including in-principle objections to the Scheme. Ms Brodrick expressed that the Applicant is willing to discuss affected persons' concerns and that engaging in such discussions does not prejudice or weaken any objection to the Scheme. Ms Brodrick encouraged affected persons to take up the opportunity for further discussions with the Applicant. Mr Newman raised concerns regarding the imbalance of resources between affected landowners and the Applicant, the quality of engagement, and the accuracy of the Land Rights Tracker. He disputed suggestions that he had failed to engage and expressed concern about long-term management, accountability, and the value of assurances given during the consent process, including the non-objection clause. He also questioned the route selection.

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	The ExA expressed the same concern over the non-objection clause which has since been removed by the Applicant. The ExA asked the Applicant to provide an update on the dialogue had with Mr Newman's agent since September 2025. Ms Brodrick explained that limited progress had been made in negotiations concerning Mr Newman's land because his land agent was unwilling to engage on other aspects of the voluntary agreement until a dispute regarding the payment of professional fees had been resolved. She stated that the Applicant has agreed fee arrangements with a number of other land agents across the Scheme and that Mr Newman's agent is seeking a different arrangement. Ms Brodrick acknowledged that this was unfortunate and explained that it was the principal reason why the communications log showed less progress than for other affected landowners. Turning to the non-objection clause, Ms Brodrick noted that there had been a court case concerning such provisions (R (Suffolk Energy Action Solutions SPV Ltd) v Secretary of State for Energy Security and Net Zero [2024] EWCA Civ 277) and explained that they have historically been included in voluntary agreements where enhanced payments are offered as part of negotiations. She stressed that such clauses are not unlawful. However, she stated that the Applicant recognised that many cable route landowners wished to continue participating in the examination and maintain objections to the Scheme in principle. The clause was therefore removed so that negotiations on voluntary agreements could continue without preventing landowners from participating in the examination process or objecting to the Scheme. The ExA asked how the negotiations can be progressed with Mr Newman and his agent.

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	Mr Jones stated that a disagreement regarding professional fees should not prevent an agent from representing their client and that negotiations should continue. He explained that the Applicant, as a responsible developer, is offering to meet fair and reasonable fees incurred by affected persons, although it is not obliged to do so. He emphasised that the Applicant does not pay agents directly but reimburses the affected person. Mr Jones explained that the Applicant has been in discussions with Mr Newman's agent since approximately September 2025 and that those discussions have been almost exclusively focused on the issue of fees. He stated that the Applicant has made concessions in response to the agent's feedback in an effort to reach agreement, but that no agreement had yet been reached. Mr Jones further noted that, because Mr Newman has instructed an agent, the Applicant's land agent is professionally prevented from contacting Mr Newman directly and must deal with his appointed representative. Mr Newman expressed concern that the disagreement regarding his agent's fees had not been resolved, noting that the relevant agents worked in the same office. Mr Newman stated his agent had said that the Applicant was not communicating with him. In response, Mr Jones stated that, although the agents involved work in the same office, they represent different affected persons and have adopted different approaches to engagement. He noted that one of the agents forms part of the wider land agent group engaged with the Applicant whereas Mr Newman's agent does not and explained that the Applicant has experienced different communication styles and levels of engagement as a result. Mr Jones stated that the Applicant was

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	therefore not seeing a consistent response despite the agents being based in the same office. The ExA urged the parties to engage on this matter and progress the negotiations, ready for an updated in the next CA hearing in September 2026. The Applicant notes that Ms Yohanna Weber, on behalf of Wiltshire Council confirmed that the Council is working collaboratively with the Applicant to update the Book of Reference to correctly categorise its interests, and that discussions on the Council's protective provisions are progressing constructively. <i>Post Hearing Note:</i> <i>The Applicant confirms that it will review Wiltshire Council's interests identified in the Book of Reference and update these in response to the Council's comments at Deadline 5.</i> The ExA highlighted that protective provisions would be discussed in the Issue Specific Hearing this coming Friday. Ms Brodrick, on behalf of the Applicant, confirmed that the provision referred to by Wiltshire Council, requiring the Applicant to obtain the Council's consent before exercising CA powers in relation to the local highway network, has been included within the draft protective provisions. She stated that the Applicant has agreed to those provisions and therefore did not consider there to be any disagreement between the parties on this issue from a CA perspective. Mr Seymour-Williams spoke on behalf of Farleaze Farm and stated that as his land is surrounded by land affected by the Scheme, he would effectively fall within the CA area if the DCO were granted.

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	The ExA clarified that, whilst Mr Seymour-Williams' land is not proposed to be acquired and therefore he would not be a Category 1 affected person, he may be a Category 3 person whose land could be affected by the exercise of the powers and who may therefore have the ability to make a relevant claim. Mr Seymour-Williams submitted that the Applicant's assessment of the route around Pig Lane fails to account for the local topography, drainage network and existing trees, and that the convergence of the railway, drainage system and Pig Lane at the lowest point will constrain the route and require a wider construction area than currently shown. The ExA asked the Applicant to explain what engagement had taken place with Mr Seymour-Williams and other nearby landowners who were not subject to CA but could nevertheless be affected by the proposals. Ms Brodrick explained that, in terms of general wider engagement, the Applicant had undertaken a programme of consultation events during the pre-application stage, at which nearby landowners were able to ask questions about the Scheme. She noted that detailed drainage assessments had been undertaken to inform the Environmental Statement and that the Applicant had gathered the information necessary to carry out those assessments. Ms Brodrick stated that, beyond the formal consultation process, the Applicant had not generally held specific discussions with neighbouring landowners unless they had approached the Applicant with particular drainage concerns or questions. However, she emphasised that the Applicant remains willing to discuss any such concerns nearby landowners. She also noted that additional information had been included within the Outline Management Plans on matters such as private water

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	supplies and that the Applicant would identify the relevant references within its written summary of the hearing. <i>Post Hearing Note:</i> Submitted documents containing information in relation to private water supplies are provided below: • <i>Outline Construction Environmental Management Plan (CEMP) (Rev 4) [REP3-092], Table 13 'Ground Conditions', page 62 (included at Deadline 3).</i> • <i>Additional text has been added to the Outline CEMP (Rev 5) [EN010168/APP/7.12] at Deadline 4 to ensure that any identified field drains will be reinstated, diverted or otherwise made good following completion of the relevant section of construction.</i> The ExA encouraged the Applicant to discuss Mr Seymour Williams' concerns directly and assist him in understanding the drainage information contained within the examination documents and its implications for his land. In response, Mr Seymour Williams explained that, within the previous six weeks, Network Rail had commenced new drainage works in the vicinity, which are due to change local drainage arrangements, meaning the Applicant's drainage plans will be out of date. <i>Post Hearing Note:</i> <i>The Applicant is in discussions with Network Rail regarding protective provisions and a Framework Agreement. An update on the status of these has been provided in the Applicant's Written Summary of Oral Submissions for Issue Specific Hearing 4 [EN010168/EXAM/9.51].</i>

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4. Site specific issues for the Applicant	Not covered due to time constraints.
5. Other matters	No other matters were covered during this hearing.

2 List of Actions for the Applicant and Other Parties following Compulsory Acquisition Hearing 1

Number	Responsible party	Action	Submission deadline	Applicant's response / commentary
1.	Applicant	Confirm the differences between the definitions of the category 2 interests that Lime Down Solar Park Ltd have over various land parcels.	Deadline 4	All Category 2 interests identified for Lime Down Solar Park Limited relate to Lime Down Solar Park Limited being the beneficiary of an option agreement for a lease relating to the Scheme. The terminology used within Land Registry documentation varies which has resulted in differences in the qualifiers attached to the Category 2 interests. However, all such interests arise from and relate to the underlying option agreement.
2.	Ms Ross / Mr Tanner	Please respond to ExQ1 [PD-010], question number CA1.23- Plan of Agricultural Landholdings/ Agricultural Tenancies Q2. This question requests plans of the affected land showing its use and the agricultural land classification.	Deadline 4	N/A
3.	Mr Baillie	Please submit agricultural land parcel plan referred to in oral submission.	Deadline 4	N/A

Number	Responsible party	Action	Submission deadline	Applicant's response / commentary
4.	Applicant	To give a full response to Mr Fearnall's questions at CAH1 (on behalf of Mr and Mrs Eavis).	Deadline 4	The Applicant is continuing to negotiate the Heads of Terms with Mr and Mrs Eavis's land agent. Following the latest meeting on 26 June 2026, the Applicant is working through the Heads of Terms document, making amendments to the wording based on feedback received from Mr and Mrs Eavis's land agent. The Applicant will be reissuing a revised document in due course and scheduling a meeting with Mr and Mrs Eavis's land agent thereafter. The Applicant has also written to Mr and Mrs Eavis directly on 7 July 2026 to offer a meeting, and also to issue a land drainage questionnaire. In response to Mr Fearnall's questions, the Applicant also confirms: (i) That all rights sought over 05-043 and 06-001 to 06-006 are necessary and satisfy the statutory tests for compulsory acquisition set out within the Statement of Reasons. The Applicant refers to the explanation given during CAH1 as to how the powers would be exercised. (ii) The Works Plan on Sheet 6 identifies plot 05-043 as being required for Works number 5B (132kV electrical cables)

Number	Responsible party	Action	Submission deadline	Applicant's response / commentary
				and 8A (temporary construction, maintenance and decommissioning access). Sheet 6 also identifies plots 06-001 to 06-006 as being required for Works number 5B (132kV electrical cables) and 8B (permanent access). The rights relating to the cables and permanent access are being sought for whole the duration of the Scheme. However, such rights for the cables will not preclude ongoing agricultural use of those plots. (iii) The operational life of the Scheme is 60 years as provided for by Requirement 20 of the draft DCO.