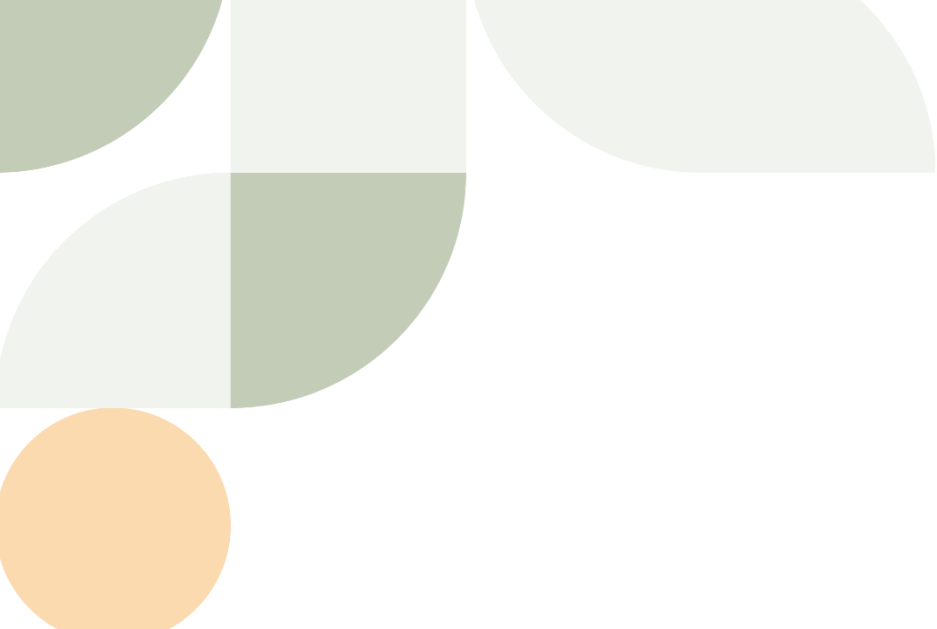




Lime Down

Solar Park

Applicant's Response to Landscape and Visual Matters raised in Stop Lime Down Issue Specific Hearing 2 Post Hearing Summary

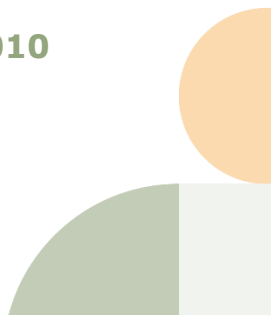
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1 Introduction

- 1.1.1 An application (the 'Application') was made to the Secretary of State for Energy Security and Net Zero for a Development Consent Order (DCO) under Section 37 of the Planning Act 2008 (PA 2008) for the Lime Down Solar Park (the 'Scheme'). The Application was submitted by Lime Down Solar Park Limited (the 'Applicant') on 19 September 2025 and was accepted for examination on 17 October 2025. The examination commenced on 21 April 2026.
- 1.1.2 Stop Lime Down provided comments regarding the landscape and visual impact assessment (LVIA) matters relating to the Scheme in their post hearing submission to the Issue Specific Hearing 2 **[REP4-132]**. This Technical Note has therefore been prepared by the Applicant to provide responses to the matters raised within Section 2.2 ISH2 – Landscape and Visual Impact and Section 3 Comments on Deadline 3 Submissions as well as commentary to SLDs responses to ExA First Written Questions LV1.6, LV1.7 and LV1.12.
- 1.1.3 The Technical Note should be read in conjunction with the **Applicant's Response to the Examining Authority's Second Written Questions [EN010168/EXAM/9.54]** and **Applicant's Response to Deadline 4 Submissions [EN010168/EXAM/9.55]**.

2 Landscape and Visual Impact Assessment

2.1 Landscape and Visual Impact Assessment Methodology

- 2.1.1 The LVIA presented in **ES Volume 1, Chapter 8: Landscape and Visual [REP3-025]** has been undertaken with consideration of the appropriate and relevant guidance and robustly assesses both the landscape and visual effects of the Scheme independently to ensure both the impacts and effects on the fabric and character of the landscape are taken into account as well as views and visibility.
- 2.1.2 The methodology for the LVIA presented in **ES Volume 3, Appendix 8-1 Landscape and Visual Impact Assessment Methodology [REP1A-006]** was included within the initial Scoping Application and through consultation with Officers has been updated with feedback from Wiltshire Council and the Cotswolds National Landscape Board (CNLB) prior to the DCO Application.
- 2.1.3 The LVIA methodology has been agreed with both Wiltshire Council and the CNLB as set out within the **Statement of Common Ground with Wiltshire Council [REP4-061]** and **Statement of Common Ground with Cotswolds National Landscape Board [REP2-029]**.

2.2 Definition and Assessment of Landscape Fabric and Landscape Character

- 2.2.1 Section 1.6 of **ES Volume 3, Appendix 8-1 Landscape and Visual Impact Assessment Methodology [REP1A-006]** sets out the landscape receptors which are assessed at construction, operation and maintenance (Year 1 and 15) and decommissioning phases of the Scheme. It notes that:

“Landscape receptors are those parts of the receiving landscape that may be affected by the change. In LVIA identification of landscape receptors includes both:

- The constituent elements of the landscape (the Landscape Fabric) being the individual tangible elements or features of the landscape, such as landform, woodland, hedges, tree cover, vegetation within the development area or site, for example which can usually be described and quantified,*
- The specific aesthetic or perceptual qualities and the character of the landscape as a whole in different areas.”*

- 2.2.2 As such, the Landscape Fabric within the Site is considered as a landscape receptor which is assessed separately to impacts on Landscape Character and identified Landscape Character Areas (LCA).
- 2.2.3 It is important to note, that the findings of the effects on Landscape Fabric do not influence the assessment of Landscape Character.
- 2.2.4 The definition of Landscape Fabric is included in the glossary of the agreed **ES Volume 3, Appendix 8-1: Landscape and Visual Impact Assessment Methodology [REP1A-007]** and in Paragraph 8.7.16 of the **ES Volume 1, Chapter 8: Landscape and Visual [REP3-025]** as:
- “Landscape fabric is the individual tangible elements or features such as landform, woodland, hedges, tree cover, vegetation that make up a landscape or site. These can usually be described and quantified.”*
- 2.2.5 These are the natural elements within the Site, for example the lengths of hedgerow or areas of woodland and grassland within each individual site – essentially the ‘green’ elements, whereas Landscape Character is described in the glossary of the agreed **ES Volume 3, Appendix 8-1: Landscape and Visual Impact Assessment Methodology [REP1A-007]** as:
- “A distinct, recognisable, and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse.”*
- 2.2.6 Key aspects that shape landscape character include:
- **Natural factors** – hills, rivers, climate, vegetation;
 - **Human elements** – buildings, roads, farming patterns;
 - **Cultural/historical influences** – traditions, land management over time; and
 - **Visual appearance** – colours, textures, scale, and openness.
- 2.2.7 Landscape results from the interplay of the physical, natural and cultural components of our surroundings. Different combinations of these elements and their spatial distribution create the distinctive character of landscapes in different places, allowing different landscapes to be mapped, analysed and described.
- 2.2.8 Character is not just about the physical elements and features that make up a landscape, but also embraces the aesthetic, perceptual and experiential aspects of the landscape that make different places distinctive.

- 2.2.9 The Guidelines for Landscape and Visual Assessment Volume 3 (GLVIA3) (Ref 1) sets out on Page 93 that *“An assessment of landscape effects should consider how the proposal will affect the elements that make up the landscape, its aesthetic and perceptual aspects, its distinctive character and the key characteristics that contribute to this.”*
- 2.2.10 GLVIA3 (Ref 1) does not suggest that an LVIA should consider individual LCA or Landscape Character Types (LCT) as individual Landscape Receptors, rather that LCAs/LCTs are used to identify the baseline.
- 2.2.11 Within LVIA, landscape character assessments are used to determine the baseline character of a site and its receiving landscape. GLVIA3 (Ref 1) discusses the identification of the receptors that will be affected by a development and notes at Paragraph 3.21:
- “In LVIA there must be identification of both:*
- *Landscape receptors, including the constituent elements of the landscape, its specific aesthetic or perceptual qualities and the character of the landscape in different areas; and*
 - *Visual receptors, that is, the people who will be affected by changes in views or visual amenity at different places.”*
- 2.2.12 As set out within **ES Volume 1, Chapter 8: Landscape and Visual [REP3-025]**, Landscape Fabric and Landscape Character are assessed independently as two separate receptors.
- 2.2.13 The methodology used in the LVIA has been developed in response to the increasing number of large-scale solar farms where there is potential for large scale landscape change.
- 2.2.14 By treating Landscape Fabric as a separate landscape receptor, the approach allows the physical landscape benefits of the Scheme (such as new hedgerows, woodland and meadows) at the Site level to be quantified without influencing the separate assessment on Landscape Character. Keeping this assessment independent of the assessment of Landscape Character avoids for any ‘double counting’.
- 2.2.15 It is noted, that within the Overarching National Policy Statement for Energy (NPS) EN-1 recognises in Paragraph 5.10.5 that: *“Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation”*.
- 2.2.16 Large Scale Solar developments are unusual in that due to the ‘overlaid’ nature of the development, the Scheme can be delivered with minimal vegetative losses, and substantial vegetative gains. Conversely, if a

scheme were to result in the opposite conclusions (e.g. substantial vegetative losses of a similar scale to those gains provided by a large scale solar scheme), it would only be appropriate that this was recognised within the LVIA.

- 2.2.17 The LVIA takes account of this through the assessment on Landscape Fabric.
- 2.2.18 The physical change in land use as a result of the development to the fabric of the landscape is from arable farmland to grassland (albeit below solar infrastructure). A solar scheme is essentially 'overlaid' across a landscape and is considered reversible (the infrastructure would be required to be removed at the end of the lifetime of the consent): This allows the important landscape features such as hedgerows, trees and watercourses to remain and continue to contribute to the landscape character of the receiving area. The introduction of ground mounted solar infrastructure does not change the physical fabric of the land within the Site to the same extent as a say a quarry scheme or a residential development for example.
- 2.2.19 Therefore, it is possible to have relatively low adverse effects, or even beneficial effects on the landscape fabric of the site as little fabric is lost or there are substantial gains through new planting and conversely Significant Adverse effects on landscape character associated with the introduction of large scale solar infrastructure.
- 2.2.20 Following ISH2 and at the request of the Examining Authority, the Applicant has provided updated Landscape Fabric Calculations to account for the losses associated with the proposed hardstanding in Table 2-1.

Table 2-1: Losses to Landscape Fabric Associated with Hardstanding Elements of the Scheme

Losses			
Landscape Feature	Solar PV Sites	Cable Route Corridor	Total Loss
Hedgerow	346 m (permanent)	54 m (permanent)	400m (permanent)
		Approximately 1.4 km (temporary)	Approximately 1.4 km (temporary)

Losses			
Landscape Feature	Solar PV Sites	Cable Route Corridor	Total Loss
Trees	3 (1 tree group, 2 individual trees)	201 (69 tree groups, 132 individual trees)	204 (70 tree groups, 134 individual trees) (permanent)
Agricultural Land	Access Tracks: 109,463 m ² (10.9 ha) Substations: 98,131 m ² (9.8 ha) BESS: 27,058 m ² (2.7 ha) Conversion Units: 6,450 m ² (0.7 ha)		0 m ² (0 ha) (permanent) 241,102 m ² (24.1 ha) (temporary)
Gains (All Located within the Solar PV Sites)			
Hedgerows	15.49 km		
Trees	Up to 113,508		
Ground Cover	7,026,00 m ² (702.6 ha) (the ground cover calculations exclude the Access Tracks, Substations and BESS)		
Reintroduction of Historic Ponds and New Ponds	14		
Residual			
Hedgerows	15.09 km		
Trees	113,304		
Ground Cover	7,019,00 m ² (701.9 ha)		
Reintroduction of Historic Ponds and New Ponds	14		

- 2.2.21 With regard to the Scheme, it is the substantial gains, compared to the negligible losses set out in Table 2-1 that are considered to result in the beneficial effects to Landscape Fabric.
- 2.2.22 The assessment of Landscape Character includes consideration of changes arising as a result of loss (or addition) of landscape components including changes to land management, introduction of new development and associated infrastructure and the loss to aspects such as tranquillity, and any perceptual, social environmental and historical considerations which would affect landscape character.
- 2.2.23 The nature of solar developments results in infrastructure being 'overlaid' across the landscape and reversible. For example, developments for mineral extraction fundamentally change the nature of the landscape in which they operate, whereas solar projects, with the exception of the footprint of the buildings, are 'overlaid' across the landscape with only the posts interacting with the landform.
- 2.2.24 This allows the important landscape features such as hedgerows, trees and watercourses to remain and continue to contribute to the landscape character of the receiving area. The strong framework of existing vegetation across the Scheme as well as the rolling topography of the Hullavington Rolling Lowland would provide the structure for the Scheme to be set comfortably and not become wholly intrusive within the landscape. The existing vegetation also acts as a backdrop for the panels and helps them integrate into the countryside surrounding.
- 2.2.25 The Applicant would like to reiterate that the LVIA in **ES Volume 1, Chapter 8: Landscape and Visual [REP3-025]** does not identify beneficial effects to Landscape Character as a result of the implementation of the landscape scheme during the construction period or operational lifetime of the Scheme, only to Landscape Fabric.
- 2.2.26 It is recognised that developments of this nature directly change the character of the landscape within the boundaries of the Site itself, with the individual fields proposed for infrastructure presenting as a Solar PV Panels and associated infrastructure, a change from a 'greenfield' open agricultural farmland to renewables. The assessment of Landscape Character (and Visual Amenity) also recognises the adverse effects associated with the proposed high hedgerows required to provide screening of the Array and associated infrastructure.
- 2.2.27 This change is what then ultimately indirectly impacts the character of the wider receiving landscape. It should be noted that this change is not limited to renewable projects, and that any development of a greenfield site would result in the same level of adverse impact at the site level.

- 2.2.28 The Landscape Character change associated with the addition of the array and associated infrastructure, including the changes to land management is considered within the assessment of effects on Landscape Character.
- 2.2.29 **ES Volume 1, Chapter 8: Landscape and Visual [REP3-025]**
acknowledges that there would be there would be an immediate change to the character of the Sites themselves and their immediate surroundings as they change from an area of arable farmland to solar infrastructure with the LVIA recording Significant Adverse effects on the character of the Landscape (including within the Lime Down Sites) through to the establishment of the Mitigation planting as a result of the Scheme and the change from agricultural land to a solar infrastructure.
- 2.2.30 However, the introduction of the Solar PV Panels and associated infrastructure would not become a defining feature on the landscape once the Scheme becomes operational, with the establishment of the landscape mitigation by Year 15 reducing adverse effects on Landscape Character to no longer significant.
- 2.2.31 The CNLB (in its Position Statement – Development in the setting of the Cotswolds AONB) considers the setting of the Cotswolds AONB to be:
“...the area within which development and land management proposals, by virtue of their nature, size, scale, siting materials or design can be considered to have an impact, positive or negative, on the landscape, scenic beauty and special qualities of the Cotswolds AONB”.
- 2.2.32 The Statement clarifies references to setting from the Cotswolds AONB Management Plan:
“The surroundings of the Cotswolds AONB are also important to its landscape character and quality. There are views out of the AONB and across back into land within the AONB and views towards or into it from surrounding areas, all of which can be very significant. Development proposals that affect views into and out of the AONB need to be carefully assessed to ensure that they conserve and enhance the natural beauty and landscape character of the AONB”.
- 2.2.33 The reference to views to and from the CNL in the above quote implies that intervisibility is a key factor in determining the extent of the setting of the CNL.
- 2.2.34 Under section 85 the Countryside and Rights of Way Act 2000 (CRoW) (Ref 2), relevant authorities have a statutory duty to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape. The Applicant's legal position on the duty is not repeated here (for more detail on the Applicant's legal response regarding the CNL duty,

please see [Applicant's Legal Submissions on CNL Duty from Annex G of ISH2 Written Summary, **Applicant's Response to SLD D4 submission and Applicant's response to Wiltshire Council D4 submission**]) but noting that it applies to development both within the CNL and its setting. Setting does not have a fixed boundary and is evaluated on a case-by-case basis depending on the scale of proposed changes and the potential effect on the receiving landscape.

- 2.2.35 A detailed assessment of the extent of the setting was undertaken as part of the iterative design process and included site visits with the CNLB officer where field by field discussion took place in relation to the setting of the CNL. For instance, Fields C1, C2, C3 and C4 were considered to be the fields within the setting of the CNL where development would have a significant adverse effect on the CNL and the fields were subsequently removed from the Scheme prior to Submission. Conversely development in Fields C5, C29, C30 beyond the ridgeline or at distance where not considered to cause significant effects.
- 2.2.36 As there are no direct impacts on the CNL as a result of Solar PV Panels and associated infrastructure, intervisibility is the key factor in determining the extent of CNLs setting. Intervisibility (defined as the mutual line of sight between two points) is primarily affected by a number of factors:
- **Topography:** terrain & elevation: High ground (like ridges, peaks, or convex slopes) blocks visibility, creating "dead ground" where objects fall below the line of sight);
 - **Physical Obstacles:** Vegetation, forests, and man-made structures (buildings, communication towers) obstruct direct sightlines;
 - **The Earth's curvature:** Over long distances (typically beyond 5 km on flat terrain), the curvature of the Earth causes the surface to drop out of the line of sight; and
 - **Distance:** Even without obstructions, distance degrades object recognition and resolution for the human eye.
- 2.2.37 Solar PV Panels in Field C7 was tested through the production of Sections (submitted into the Examination as Annex F in response to the Examiners Question LV1.11 **[REP3-128]**). It is noted that the CNLB support the decision to remove Solar PV Panels in the remainder of Field C6 and note Field C7 has been tested through sections to show that visibility would be limited (Ref 3.1.19 of the **Statement of Common Ground with Cotswolds National Landscape Board [REP2-029]**).
- 2.2.38 In consideration of the above and with reference to **ES Volume 3, Appendix 8.6: Assessment of Effects on the Cotswolds National**

Landscape and its Special Qualities Appendix 8-6 [APP-197], the Applicant has prepared a plan showing the Spatial Extent of Setting of the CNL which was submitted within the Applicant's Response to the Examining Authority's First Written Questions **[REP3-128]**.

- 2.2.39 The 14 special qualities are key elements that have been identified within the area that have prompted it to be designated as worthy of National Landscape designation.
- 2.2.40 As set out in Chapter 4 of the Cotswolds National Landscape Management Plan 2023 - 2025 (Ref 3) and Chapter 4 of the Cotswolds National Landscape Management Plan 2025 – 2030 (Ref 4), the Special Qualities of the CNL, are presented as:
- “those aspects of the area’s natural beauty which make the area distinctive and which are considered valuable, especially at a national scale. They are the key attributes on which the priorities for its conservation, enhancement and management are based. They bring out the essence of the National Landscape as an evocative description of the area rather than as a statistical account.”*
- 2.2.41 The potential effects of the Scheme on the special qualities of the CNL are assessed within **ES Volume 3, Appendix 8.6: Assessment of Effects on the Cotswolds National Landscape and its Special Qualities Appendix 8-6 [APP-197]**.
- 2.2.42 The Applicant considers the setting of the CNL to extend across parts of Lime Down A, B and C, but not across the entirety of the three sites. The Applicant's position is that the setting for the CNL extends as far as to where development or land management proposals, can be considered to have an impact (positive or negative) upon the CNL.

2.3 Mitigation in the Design of the Scheme to Minimise Impacts to the CNL

- 2.3.1 Due to the Scheme's location on the edge of the CNL avoidance measures have been incorporated into the Scheme Design as part of the Mitigation Hierarchy as set out in Section 8.9 of **ES Volume 1, Chapter 8: Landscape and Visual [REP3-025]**. This includes:
- 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.
- 2.3.2 Discussion with the CNLB took place as part of the on going Non-Statutory Consultation process on 24th April 2025 are noted in Table 2 in **ES**

Volume 3, Appendix 8.6: Assessment of Effects on the Cotswolds National Landscape and its Special Qualities Appendix 8-6 [APP-197].

- 2.3.3 Following this consultation, information was received from CNL on positive enhancement measures from CNL's Nature Recovery Lead including the provision of wildflower meadows and scrub. Following this and further consultation the Scheme was revised as part of the iterative design process.
- 2.3.4 The following changes were made;
- No infrastructure within fields on the edge of the CNL boundary in the northern part of Fields A1, A11 and A12, B12, C1, C6, C8, part of C9 and the majority of C10. Subsequently the CNLB have requested that panels be removed from all of Field C9 and the field used to provide additional positive enhancement measures. These changes formed part of the latest Change Application;
 - Fields C1, C6, C8, C9 and C10 have remained within the Scheme and provide opportunities for positive enhancement measures; and
 - Fields C2, C3 and C4 which are not on the edge of the CNL but were considered to be within the setting of the CNL, were removed from the Order Limits.
- 2.3.5 The proposals within Fields C1, C6, C8, C9 and C10 do not include mitigation measures to reduce the effects of the Scheme in adjacent parcels, these are distinct enhancement measures which further the purposes of the CNL.
- 2.3.6 These areas within the setting of the CNL have been specifically targeted for positive enhancement to further the purposes of the CNL. As all existing hedgerows within the Scheme are proposed to be strengthened and allowed to grow out to provide landscape and visual mitigation, it was recognised that a different management regime for hedgerows on the edge of the CNL was required to conserve its character and open views. As mitigation of adverse effects is not required on the edge of the CNL due to the offset to infrastructure, maintaining hedgerows at their current height of approximately 1.5m bordering the CNL within Lime Down C was proposed.
- 2.3.7 It is agreed that this should not be considered to be a positive enhancement measure but rather a specific management objective to maintain open views of the landscape from the CNL. It was important to distinguish this from the proposal to strengthen and allow hedgerows to grow out to 4.5m across the rest of the Scheme where mitigation of adverse effects are required.

- 2.3.8 The creation of wildflower meadows and margins as well as areas of scrub and new hedgerows as set out within the LEMP are proposed in the northern part of Fields A1, A11 and A12, B12, C1, C6, C8, C9 and the majority of Field C10. These features would be visible in Site C where hedgerows on the boundary with the CNL are to be managed at their current height of c1.5m. These measures are distinct enhancement measures which have been informed by consultation with the CNLB, the CNL Management Plan 2023 - 2025 (Ref 3), the CNL Management Plan 2025 - 2030 (Ref 5) and Nature Recovery Strategy (Ref 5) and are considered to be beneficial landscape improvements which further the purposes of the CNL designation.
- 2.3.9 These measures have been included to prevent harm to the CNL and as identified above, to provide opportunities for positive enhancement within the setting of the CNL. This enhancement has been confirmed by the CNLB in their Comments on any other submissions received at Deadline 2 **[REP3-154]**.
- 2.3.10 The landscape and visual effects of the Scheme on the CNL and its Special Qualities have been mitigated throughout the landscape led, iterative design process and has been informed by the Cotswold Nature Recovery Plan in conjunction with liaison with the project ecologist and consultation with officers at the CNL and Wiltshire Council.
- 2.3.11 The Scheme has avoided harm to the CNL, maintained views to and from the CNL, protected the features of the landscape within the setting of the CNL, retained and enhanced the character of the landscape through the proposed embedded mitigation and provided positive enhancements to further the purpose of the CNL. Embedded mitigation includes:
- **Avoidance:** Avoidance measures to avoid harm to the CNL through the use of significant buffers to the CNL boundary where Sites A, B and C are within its setting and to maintain views to and from the CNL such as Alderton and Sherston Church;
 - **Protection:** Buffers and offsets have been embedded into the design of the Scheme to protect the existing landscape fabric of the Sites within the setting of the CNL (and throughout the wider Scheme);
 - **Retention and Enhancement:** 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. 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; and

- **Positive Enhancements:** Positive enhancements to further the purpose of the CNL are incorporated into the Scheme, particularly within avoidance areas. This includes: – The creation of wildflower meadows and scrub on the edge of the CNL within the northern part of A1, C1, C6, C8, C9 and B12. – The creation 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 on the edge of the CNL.

- 2.3.12 Although significant landscape effects have been recorded within the 1 km Local Study Area of the Solar PV Sites, these effects are primarily related to the change in land use from agriculture to the solar infrastructure within the Site and its immediate setting. This change does not directly affect the CNL as the buffers to the development provided by the avoidance measures and layers of proposed mitigation planting would contain the development away from the edge of the CNL. The Applicant is preparing an assessment of landscape Character effects on the local Landscape Character Areas and Types which will provide greater detail and clarity on this distinction.
- 2.3.13 With the setting of the CNL, the Scheme has sought to further the purposes of the CNL through the creation of wildflower meadows and scrub on the edge of the CNL within the northern part of Fields A1, C1, C6, C8, C9, C10 and B12 and through the inclusion of wildflower meadow verges on the edge of set aside land in Fields A11, A12 and C10 to provide attractive buffers in views from public roads. These support the aims of the CNL Management Plan 2025-2030 (Ref 3) and of the Cotswolds Nature Recovery Plan (Ref 5).
- 2.3.14 Harm to the CNL itself would be minimal with beneficial landscape effects associated with the proposed enhancement measures along the western extents of the Scheme within the setting of the CNL, which in the long term which would further the purposes of the designation.
- 2.3.15 The Scheme has avoided harm to the CNL, maintained views to and from the CNL, protected the features of the landscape within the setting of the CNL, retained and enhanced the character of the landscape through the proposed embedded mitigation and provided positive enhancements to further the purpose of the CNL.
- 2.3.16 The assessment of effects on the CNL and its Special Qualities found that there are no significant direct effects on the CNL or its Special Qualities.

- 2.3.17 With regard to section 85 the Countryside and Rights of Way Act 2000, relevant authorities must now 'seek to further' the statutory purposes of Protected Landscapes (Ref 4).
- 2.3.18 The duty also applies to functions undertaken outside of the designation boundary which affects land within the Protected Landscape – its Setting.
- 2.3.19 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, noting that protection should be given to the landscape and natural beauty of the CNL, as outlined at Section 5.10 of NPS EN-1 (Ref 7).
- 2.3.20 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 (Ref 7) 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.
- 2.3.21 The 'seek to further' duty does not preclude decisions that would result in any harm 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'.
- 2.3.22 However, positive evidence is required to demonstrate that the relevant authority has, in a sufficient, appropriate and proportionate manner, sought to further the purpose, not merely through mitigation of harm but by taking all reasonable steps to further the purpose.
- 2.3.23 For the reasons set out above, the Scheme has been sensitively designed to give effect to the mitigation hierarchy.
- 2.3.24 As set out within the CNLB's comments on any other submissions received at Deadline 2 **[REP3-154]**, the CNLB confirmed that the Applicant has sought to further the natural beauty of the CNL through the proposed enhancement measures located in the setting of the CNL, including some of those outlined at Table 19 of **ES Volume 3, Appendix 8-6: Assessment of Effects on the Cotswolds National Landscape and its Special Qualities [APP-197]** such as 60 ha of wildflower meadow and 63 ha of set aside for ground nesting birds. These would comprise enhancements to the CNL's setting above and beyond the current baseline condition.
- 2.3.25 Further details on the Applicant's position on the statutory duty regarding the CNL is provided in the **Applicant's Written Summary of Oral**

**Submissions for Issue Specific Hearing 2 and Responses to Action
Points [REP4-085].**

3 References

- Ref 1 Landscape Institute and Institute of Environmental Management and Assessment, 2013, Guidelines for Landscape and Visual Impact Assessment, 3rd Edition, Routledge, London.
- Ref 2 Countryside and Rights of Way Act (2000). Available at: <https://www.legislation.gov.uk/ukpga/2000/37/contents>. [Accessed 21 July 2026].
- Ref 3 Cotswold National Landscape Board (2023) Cotswolds National Landscape Management Plan 2023-2025. Available at: https://www.cotswolds-nl.org.uk/wp/wp-content/uploads/2023/09/CNL_Management-Plan-2023-25_final.pdf [Accessed 21 July 2026].
- Ref 4 Cotswold National Landscape Board (2023) Cotswolds National Landscape Management Plan 2025-2030. Available at: https://www.cotswolds-nl.org.uk/wp/wp-content/uploads/2025/11/CNL-MANAGEMENT-PLAN_2025-30-FINAL.pdf. [Accessed 21 July 2026].
- Ref 5 Cotswold National Landscape Board (2021) Cotswold Nature Recovery Plan. Available at: <https://www.cotswolds-nl.org.uk/wp/wp-content/uploads/2024/11/Cotswolds-Nature-Recovery-Plan-Full-Version.pdf>. [Accessed 21 July 2026].
- Ref 6 Levelling-up and Regeneration Act 2023. Available at: <https://www.legislation.gov.uk/ukpga/2023/55>. [Accessed 21 July 2026].
- Ref 7 Department for Energy Security and Net Zero (2025) Overarching National Policy Statement for energy (EN-1). Available at: <https://assets.publishing.service.gov.uk/media/695d1015f41883f4e50ed9ab/overarching-national-policy-statement-for-energy-en-1-web-accessible.pdf>. [Accessed 21 July 2026].