

Date: 02 October 2026
Your ref: EN010168



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Dear Sir/Madam,

Lime Down Solar Park - Issue Specific Hearing 5 - LV, Culture, Water Action Points
Location: Land North of Hullavington & Land at Melksham Substation
User Code: [REDACTED]

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Thank you for seeking Natural England's comments on the Action Points following Issue Specific Hearing 5.

Having assessed the relevant submitted information, Natural England is pleased to provide comment below to Action Points 1 and 2 submitted at Deadline 7.

Should the Inspector require any clarification regarding the comments provided in this letter, or if further information would be helpful during the examination process, Natural England would be pleased to assist.

Yours sincerely,

[REDACTED]
Sustainable Development Senior Officer
Wessex Area Team

Action Point 1

To provide comments on the Applicant's updated Tranquillity Assessment [REP5 099].

Natural England response

Summary

The Tranquillity Assessment does not adequately address the percentage increase in HGV movements on roads within the Cotswolds National Landscape (CNL) that would result from the construction phase of the project.

In particular, it does not reference the traffic flows that are specified in Table 13-23 of the applicant's Environmental Statement Volume 3, Appendix 13-1: Transport Assessment. Table 13-23 shows that HGV movements on these roads would increase by up to 249.2%. This is 25 times larger than the 10% 'rule of thumb' threshold specified, in relevant guidance, for sensitive areas such as National Landscapes.

The Tranquillity Assessment indicates that the Scheme (including associated traffic movements) will have a significant impact on the tranquillity of the CNL during the construction phase, with tranquillity reducing from 'high' to 'low'. Impacts on tranquillity will be less significant during the construction phase. Overall, there would be an adverse impact on the tranquillity of the CNL, particularly during the construction phase.

Transport Effects

The Tranquillity Assessment has been prepared to address the concerns of the Cotswolds National Landscape (CNL) Board regarding the effects of construction traffic on the tranquillity of the CNL. The Tranquillity Assessment is document REP 05-099 in the Lime Down Solar Project Examination Library.¹

One of the concerns raised by the Board has been the increase in traffic movements, particularly HGV movements, that would result from the construction phase of the proposed development.

A key consideration, in this regard, is the 'rules of thumb' that are set out in the Guidelines for Environmental Assessment of Traffic and Movement, published by the Institute of Environmental Management and Assessment (IEMA).² The Guidelines state that *'it is recommended the competent traffic and movement expert applies two broad rules of thumb as criteria to assist in delimiting the scale and extent of the environmental assessment:*

- **Rule 1:** *Include highway links where the traffic flows will increase by more than 30% (or the number of heavy goods vehicles will increase by more than 30%).*
- **Rule 2:** *Include highway links of high sensitivity where traffic flows have increased by 10% or more.*³

These rules of thumb are referred to in Section 4.5 of the CNL Board's Tranquillity Position Statement (which references an earlier iteration of the IEMA guidance which had the same rules of thumb).⁴ The Board's Tranquillity Position Statement states that *'AONBs are specifically identified as*

¹ Line Down Solar Park. *Tranquillity Assessment – Effects of Construction Traffic on the Cotswolds National Landscape* ([link](#)).

² Institute of Environmental Management and Assessment (2023) *Institute of Environmental Management and Assessment (IEMA) Guidelines: Environmental Assessment of Traffic and Movement* ([link](#)). N.B. IEMA is now called the Institute of Sustainability & Environmental Professionals.

³ IEMA (2023) Paragraph 2.16.

⁴ Cotswolds National Landscape Board (2019) Tranquillity Position Statement ([link](#)). Section 4.5.

‘sensitive areas’ in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, Rule 2 should be applied in the Cotswolds AONB and should relate to both traffic flows and HGV numbers’.

In other words, if a proposed development would increase traffic movements – and / or HGV movements – on roads within (or along the boundary of) a National Landscape, it is likely to have a significant effect and should be included in the Environmental Impact Assessment.

Transport effects are assessed in Chapter 3 of the Tranquillity Assessment.

The Tranquillity Assessment refers to the Board’s Tranquillity Position Statement but makes no reference to the IEMA guidance on which the rule of thumb thresholds are based. It defines the CNL as having medium sensitivity and asserts that the 30% rule of thumb threshold applies (i.e. ‘Rule 1’). This is incorrect. As outlined above, the 10% rule of thumb threshold should apply (i.e. ‘Rule 2’).

The Tranquillity Assessment provides no detailed assessment of the percentage increase in traffic / HGV movements. This is a significant shortcoming, given that the increase in traffic movements during the construction phase is one of the main issues that has been raised by the CNL Board.

The applicant has undertaken a separate assessment of increases in traffic movements in ‘Environmental Statement Volume 3 Appendix 13-1: Transport Assessment’, which is document REP5-061 in the Lime Down Solar Project Examination Library.⁵ However, this is not referred to in the Tranquillity Assessment.

The percentage increase in traffic movements and HGV movements is shown in Table 13-23 of the Transport Assessment – see below.

⁵ Lime Down Solar Park (2026) *Environmental Statement. Volume 3, Appendix 13-1: Transport Assessment* ([link](#)).

Table 13-23: Baseline 2028 Traffic Flows plus Construction Traffic – Average Weekday (24hr) Two-Way

Ref	Link	Base 2028	Plus Dev	% Change (Total Vehicles)	% Change (HGVs)
1	M4 near Junction 18	81,601	81,869	0.3%	0.5%
2	A46	13,661	13,929	2.0%	5.8%
3	B4040	2,440	2,708	11.0%	68.9%
4	B4039	2,868	3,136	9.3%	75.9%
5	Road West of Grittleton	962	1,230	27.9%	102.9%
6	Alderton Road	1,361	1,629	19.7%	249.2%
7	Fosse Way	921	1,189	29.1%	243.8%
8	Btw Fosse Way & Sherston	1,549	1,611	4.0%	38.0%
9	M4 near Junction 17	82,707	83,045	0.4%	1.2%
10	A429 north of Junction 17	15,173	15,511	2.2%	14.4%
11	Road East of Hullavington	3,043	3,267	7.4%	56.3%
12	Bradfield Cottages	1,452	1,676	15.4%	158.8%
13	A429 South of Corston	12,083	12,197	0.9%	4.7%

Refs 2-7 (i.e. six out of the 13 roads on the construction route) are located within, or overlap with, the CNL. Ref 8 (Btw Fosse Way & Sherston) comes close to the CNL boundary.

The table shows that HGV movements within the CNL would increase by up to 249.2% as a result of the proposed development (Ref 6 Alderton Road). This increase is 25 times larger than the 10% rule of thumb threshold. The 10% threshold (and even the 30% threshold) would be exceeded, for HGV movements, along all of the construction route within the CNL, except for the A46 section. The total increase in traffic movements (i.e. HGVs and all other vehicles) would exceed the 10% threshold on four of the seven roads that the construction route follows within the CNL.

Paragraph 3.1.6 of the applicant's Tranquillity Assessment notes that '*on roads where baseline traffic flows are low, any increase in traffic flow may result in a predicted increase that would be higher than thresholds set out in Rule 1*'. However, even the smallest baseline within the CNL (Ref 7 – Fosse Way) has over 900 vehicle movements, which is not negligible. The busier roads, such the B4040 and B4039, would also have a significant increase in HGV movements (i.e. more than 68%).

The figures in Table 13-23 presumably provide the worst-case scenario (i.e. when all construction phases are active). However, according to colleagues at the CNL Board, the campaign group, Stop Lime Down, has identified that the increase in traffic movements for Ref 6 (Alderton Road):

- when phases A and B are under construction would be 152%;
- when phase C is under construction would be 116%.

These increases are still significant.

The scale of the increase in HGV movements (and overall traffic movements) on roads within the CNL is significant and, in principle, is likely to have a significant adverse effect on the relative tranquillity of the CNL.

Construction Route Assessment

Scope of the assessment

The construction route assessment only addresses the section from Site A entrance to Grittleton Village in any detail. As such, the majority of the construction route through the CNL (i.e. the route between the M4 and Grittleton) is not addressed in detail. It is not clear why this is the case. It is also surprising given that the site visit that was undertaken for the Tranquillity Assessment covered the whole of the proposed construction route from the M4 to the site.

Whilst the most significant impacts on tranquillity would potentially be along this section of the route, there are also likely to be adverse impacts on tranquillity along the remainder of the route, including where the construction route passes through settlements (including conservation areas) and close to listed buildings.

Cotswolds AONB Landscape Strategy & Guidelines

Paragraph 2.4.6 of the Tranquillity Assessment states that, for the site visit, particular reference was made to Sections 9.14⁶ and 11.13⁷ of the Cotswolds AONB Landscape Strategy & Guidelines. However, no further reference is made to the Landscape Strategy & Guidelines in the actual assessment. This is a significant omission.

These sections of the Landscape Strategy & Guidelines relate to the following 'forces for change':

- *'excessive traffic ... on minor local roads and lanes'* and
- *'increase in size of vehicles using lanes'*.

The Landscape Strategy & Guidelines identifies the following 'potential landscape implications' of these forces for change:

- *Pressure to improve roads by widening and straightening.*
- *Loss of tranquillity and danger to walkers / riders and other non-motorised users.*
- *Damage to verges and roadside boundaries by HGVs and agricultural vehicles.*

Presumably, there is no intention to widen or straighten the minor roads (or other roads) on the construction route, given that the additional traffic would primarily relate to the construction phase and not to the operational phase.

The loss of tranquillity to walkers, riders and other non-motorised users is addressed in paragraph 6.2.7 of the Tranquillity Assessment, which states that *'the introduction of HGVs from the Scheme at the frequency proposed would be limited but apparent. Cyclists and horse riders using this route, especially along the Fosse Way and with a familiarity of using these local roads would be the most affected in terms of tranquillity as they would physically experience vehicles more, as would walkers'*. This indicates that there would be a reduction in tranquillity of these users. This is particularly significant given that the Alderton Road and Fosse Way sections of the construction route are on a promoted cycle route.

⁶ [lct-9-high-wold-dip-slope-2016.pdf](#)

⁷ [lct-11-dipslope-lowland-june-2016.pdf](#)

The Tranquillity Assessment does not address the issue of potential damage to verges and roadside. Given the significant increase in HGV movements associated with the construction phase of the proposed development, there is an increased risk of damage to verges. For example, it is more likely that HGVs and other traffic would have to pull onto the verges to allow oncoming traffic to pass through.

Overall impacts on tranquillity

Paragraphs 6.2.13 and 6.2.14 of the Tranquillity Assessment indicates that the level of tranquillity will reduce from 'High' to:

- 'Medium to Low' as a result of the Scheme during construction;
- 'Low' as a result of the Scheme in combination with the construction route during construction.

Paragraph 6.2.17 indicates that at operation:

- The noise of construction activity and vehicular movements will have ceased with the exception of maintenance activity.
- Aural tranquillity will return to something similar to the baseline scenario.
- Visual and experiential tranquillity will remain reduced but will improve over time.

Overall, the Tranquillity Assessment indicates that the Scheme (including associated traffic movements) will have a significant adverse impact on the relative tranquillity of the CNL during the construction phase, with tranquillity reducing from 'high' to 'low'. These impacts will reduce during the operational phase, particularly with regards to impacts associated with the construction route.

Action Point 2

To provide comment on the implications of the modification of the EIA Agriculture Regulations 2006, under article 6(4) of the dDCO [REP6-005] with regards to the wildflower meadows at decommissioning.

Natural England response

Introduction

The current draft of the DCO [REP6-005] sets out at article 6(4) that the Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006 (“the Agricultural EIA Regulations”) should be modified so that regulation 3(2) of the Agricultural EIA Regulations includes the following in relation to this application:

“(ba) constitutes development to which the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 apply;”

The impact of this is that the Agricultural EIA Regulations would not apply to an uncultivated land project if undertaken on the land.

An *uncultivated land project* means a project to increase the productivity for agriculture of uncultivated land or a semi-natural area, and includes projects to increase the productivity for agriculture of such land to below the norm.

Potential impact

The installation of solar is unlikely to engage the Regulations as it is not a project to increase the productivity of land for agriculture. The development is also not taking place on uncultivated land (which is land which has not been cultivated in the previous 15 years).

However, there is a potential impact at the decommissioning stage of the project, as the land will not have been cultivated for over 60 years and the Applicant wishes to take the land back into agricultural use. The rationale for the change is set out in the Explanatory Memorandum [REP5-015], paragraph 4.2.19. In summary this states that the intention is to remove the requirement for the Agricultural EIA Regulations to apply to the restoration of the land for agricultural use as part of the decommissioning of the scheme. The reason for this is that the Applicant considers that the environmental impact assessment assesses the impacts of decommissioning and restoration.

Natural England **object** to the proposed amendment to article 6(4).

Analysis

In Natural England’s opinion the decommissioning strategy needs to clearly set out how the authorised development will be removed from the site (in accordance with National Policy Statement EN3 – see paragraphs 2.10.60 – 2.10.61). This includes panels, poles, cabling and other associated infrastructure. However Natural England object to the proposal that the DCO should require the land to go back to agricultural use without further environmental assessment (through the disapplication of the Agricultural EIA Regulations).

The main reasons for not disapplying the Regulations are:

- a) The environmental value of the wildflower meadows in 60 years cannot be fully assessed now.
- b) The disapplication of the Agricultural EIA Regulations is not necessary, reasonable or proportionate to deliver the project (as is demonstrated by no other solar DCOs containing

this provision). It is for future generations to assess and decide what the future use of the land should be. The DCO needs to ensure that a future use is not prevented by leaving solar development in or on the site (in accordance with NPS EN3). However disapplying the Agricultural EIA Regulations is not necessary to achieve this objective.

- c) We are not aware of any previous occasion where a DCO has disappplied the Agricultural EIA Regulations. We contend that this is because it is unnecessary to deliver the project and not in the public interest to do so. Insufficient justification for doing so is given by the Applicant.

This is considered further below.

Natural England understands that the applicant is proposing to return the Solar PV Sites land to its original use at the decommissioning stage of the DCO. We understand that this will include the destruction, without further assessment, of the extensive area of wildflower meadows which are being created by the scheme to further the purpose of the Cotswold National Landscape as required under the Levelling Up and Regeneration Act (LURA) (2023).

As recognised by the scheme, the land (if it were to be decommissioned today) would be subject to the Agricultural EIA Regulations and it is our understanding that the applicant is seeking to disapply the Agricultural EIA Regulations at the decommissioning stage of the DCO so it can be restored to its current more intensive agricultural use. Such a position would effectively predetermine that a re-intensification of agricultural practice on the land could proceed without any further consideration of the environmental impacts that may result. In Natural England's view, a DCO should not be used in this way to fetter, predetermine or otherwise constrain the future exercise of statutory functions under a separate regulatory regime, due to be exercised in over 60 years time.

During the operational life of the Proposed Development, the mitigation land is intended to be managed as species-rich neutral grassland. Given the large area involved (approximately 71.43 hectares) and the proposed long-term habitat management measures, it is reasonable to anticipate that the land could develop into species-rich grassland of significant ecological value, potentially meeting the criteria for Lowland Meadows Priority Habitat. At the scale of the proposal, such habitats are likely to support important ecological features, including notable invertebrate assemblages, rare, declining and or protected species. They are also likely to provide functionally important habitat within the wider ecological network, including foraging and commuting habitat for bats.

The potential value of the grasslands to be created by the scheme, both for its biodiversity interests and the wider landscape within the setting of the National Landscape, is fully recognised and is considered a significant environmental benefit for the application. The proposed species-rich grasslands form part of the mechanism through which the Proposed Development seeks to further the statutory purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape.

It would therefore be difficult to reconcile reliance on the creation of these habitats as a significant environmental benefit of the Proposed Development while simultaneously requiring, their future removal or agricultural intensification irrespective of the environmental circumstances and regulatory regime prevailing at the time of decommissioning. Natural England considers that the loss of the grasslands created by the scheme has the potential to be a substantive loss to biodiversity and would have a significant impact on the setting of the National Landscape, as well as harm to local landscapes and detrimental effects to local communities that have access to the wildlife habitats generated by the scheme.

While some the impacts of decommissioning have been included in the Environmental Assessment for the scheme, Natural England disagrees that it is possible to fully or with certainty assess the quality of a 60-year-old species-rich grassland prior to its creation, or to predict the contribution such

grasslands may make to ecological networks at the time of decommissioning. The agricultural intensification of over 70 ha of long-established species-rich grassland would raise substantial environmental considerations that would require careful scrutiny under the Agricultural EIA Regulations as currently drafted. It should be for future generations to determine the future land use.

Natural England therefore questions whether the DCO process is the appropriate mechanism through which to determine the merits of any future proposal for the agricultural cultivation or intensification of land that is likely to have developed substantial biodiversity interest during the operational lifetime of the development.

It is also relevant to confirm that habitats established through other public policy mechanisms, including Environmental Land Management schemes and Biodiversity Net Gain requirements, are not exempt from consideration under the Agricultural EIA Regulations. Natural England sees no basis for habitats created through this DCO to be treated differently. To do so would be contrary to the public interest.

For clarification, Natural England does not seek the protection in perpetuity of the species-rich grassland created by the scheme. However, we advise that the removal or agricultural intensification of the grasslands established by the Proposed Development should not be secured or anticipated through this DCO. Such an approach is unnecessary, would undermine the operation of the Agricultural EIA regime and would represent a departure from the approach applied by DCOs and to habitats established through other environmental mechanisms.

Accordingly, Natural England advises that any decommissioning requirement should be framed in a manner that does not expressly or implicitly disapply, circumvent or pre-empt the operation of the Agricultural EIA Regulations. Any proposal to remove, agriculturally improve or otherwise alter the grasslands established by the scheme should remain subject to the legislative and regulatory framework in force at that time, including any requirements for screening or consent under the Agricultural EIA Regulations.