

Lime Down Solar Park

**Planning Inspectorate Reference:
EN010168**

Wiltshire Council Closing Statement

Deadline 8 (16 October 2026)

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1. Acronyms and Abbreviations

Acronym / Abbreviation	Meaning / Description
ACoW	Arboricultural Clerk of Works
AGL	Above Ground Level
AIA	Arboriculture Impact Assessment
AMS	Arboriculture Method Statement
BESS	Battery Energy Storage System
BNG	Biodiversity Net Gain
CEMP	Construction Environmental Management Plan
CLG	Community Liaison Group
CNL	Cotswolds National Landscape
CRC	Cable Route Corridor
CTMP	Construction Traffic Management Plan
DAMS	Detailed Archaeological Mitigation Strategy
dB	Decibel
DCO	Development Consent Order
dDCO	Draft Development Consent Order
DLL	District Level Licensing
EcoCoW	Ecological Clerk of Works
EIA	Environmental Impact Assessment
EPMS	Ecological Protection and Mitigation Strategy
ES	Environmental Statement
ExA	Examining Authority
ExQ1	Examining Authority's first written questions
ExQ2	Examining Authority's second written questions
FLL	Functionally Linked Land
FTE	Full Time Equivalent
HDD	Horizontal Directional Drilling
HGV	Heavy Goods Vehicle
HRA	Habitats Regulations Assessment
GLVIA3	Guidelines for Landscape and Visual Impact Assessment (3 rd Edition)
GVA	Gross Value Added
Ha	Hectare
HC	High Cube
HDM	Highways Development Management
HIA	Highway Improvement Area
ISH	Issue Specific Hearing
LDSP	Lime Down Solar Park
LEMP	Landscape and Ecological Management Plan
LHA	Local Highway Authority
LIR	Local Impact Report
LLFA	Lead Local Flood Authority
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
OAMS	Outline Archaeological Mitigation Strategy
OEMP	Operational Environmental Management Plan

Acronym / Abbreviation	Meaning / Description
PPW	Permitted Preliminary Works
PPWEMP	Permitted Preliminary Works Environmental Management Plan
PRoW	Public Rights of Way
PV	Photo-voltaic
SAC	Special Area of Conservation
SLD	Stop Lime Down
SOAEL	Significant Observed Adverse Effect Level
SoCG	Statement of Common Ground
SROH	Specification for the Reinstatement of Openings in Highways
SRMP	Soil Resources Management Plan
SSWSI	Site-Specific Written Scheme of Investigation
SuDS	Sustainable Urban Drainage System
TTRO	Temporary Traffic Regulation Order
WCAS	Wiltshire Council Archaeology Service

2. Introduction and Context

- 2.1. This document is Wiltshire Council's Closing Statement in response to the submission of the Development Consent Order application to the Secretary of State for Energy Security and Net Zero by Lime Down Solar Park Limited under section 37 to the Planning Act 2008 (Planning Inspectorate Reference: EN010168) for the Lime Down Solar Park scheme.
- 2.2. As a Unitary Authority, Wiltshire Council provides a single tier of local government functions. It is the Highways Authority for all roads and public rights of way, which are not trunk roads. It is also the responsible authority for the implementation of a broad range of Government Regulation related to public protection and is the Local Planning Authority for the area. The Council has regulatory responsibility for managing impacts on Wiltshire's natural environment, heritage assets and landscape. As the Lead Local Flood Authority (LLFA), Wiltshire Council has a number of duties and powers to control and minimise flood risk. Furthermore, the Wiltshire Council Archaeology Service (WCAS) has a statutory duty to advise the Local Planning Authority on the impact of development proposals on archaeological remains in the county.
- 2.3. The council's Closing Statement should be read in conjunction with all the representations it has submitted throughout the course of the Examination, including amongst other matters its Local Impact Report [\[REP1-137\]](#) and final Statement of Common Ground, which will be submitted into examination at Deadline 8. It represents a summary of key points rather than a detailed statement of all relevant considerations raised throughout the Examination.

3. Landscape and Visual

Overall Position

- 3.1. Wiltshire Council's initial position on landscape and visual issues as set out in its Local Impact Report [\[REP1-137\]](#) has not changed following the course of examination. The Applicant has made some minor changes to the indicative scheme layout including removal of some additional field areas as panel areas, largely to address the concerns raised by the Cotswolds National Landscape Board, but the Applicant's landscape consultant has had little opposite contact with the council's landscape team to move forward the majority of the issues identified as a concern within the Wiltshire Council Statement of Common Ground (Rev 5) [\[REP7-093\]](#) and which are therefore now firm matters of disagreement between parties.
- 3.2. Section 8 of the Wiltshire Council Local Impact Report [\[REP1-137\]](#) contains a summary of the council's Landscape and Visual concerns of greatest importance (page 57-58) for this DCO application.
- 3.3. All the local impacts identified by the council are considered material to the ExA, but in accordance with the national guidance (Nationally Significant Infrastructure Projects: Advice for Local Authorities-2024), the council considers that the following are the most significant in relation to the Landscape and Visual theme assessed within 6.1 ES Vol 1, Chapter 8, Landscape and Visual (Rev 3) [\[REP6B-005\]](#):
 - 1) *The significant negative impacts on the landscape elements and components, which combine to form the intrinsic and unique character of the receiving 'Limestone Lowland' landscape, through construction, operation and decommissioning phases across the project area and which are unable to be mitigated.*
 - 2) *In terms of the setting of the Cotswolds National Landscape (CNL), the Landscape and Visual Impact Assessment (LVIA) hasn't given due regard to the locational sensitivity of Lime Down Areas A to C for development of this very large scale project and the contrasting nature to its receiving landscape baseline context which provides the setting to the CNL, including important Public Rights of Way (PRoW) and road links to and from the CNL and that experienced along the Fosse Way. The proposals therefore result in a significant negative impact on the landscape setting of the CNL.*
 - 3) *The significant negative impacts on visual receptors across the project area, whether they be residential or people passing through or using the landscape for business or recreation, and which in many cases cannot be adequately or appropriately mitigated.*
 - 4) *The value, susceptibility and sensitivity of the CNL's setting haven't been fully considered in respect of the landscape or visual impacts arising from construction traffic and works to the rural road network to facilitate construction, maintenance replacement of infrastructure components or*

decommissioning phases. These are significant negative impacts upon rural character and relative tranquillity in areas considered to be complementary to the character of the CNL. There will be significant negative impacts on the rural character and relative tranquillity of the setting of the CNL because of traffic and works to facilitate construction, maintenance replacement during operation, and final decommissioning.

- 5) *There will be significant negative impacts upon the important existing role and function of the landscape which surrounds and separates the highly distinctive and deeply rural limestone village, hamlet and farmstead settlement pattern, and which also provides accessible countryside recreation opportunities for associated rural communities across a large area. The loss and reduction of perceptual rural character and relative rural tranquillity of countryside arising from the very large-scale land use change in combination with the deeply contrasting utilitarian nature of development will harm landscape character and experiential recreational quality.*

Overview of Primary Issues and Remaining Areas of Concern

Underestimation of Effects on Landscape Fabric, Landscape Character and Visual Amenity

- 3.4. The LVIA assessment methodology is set out at 6.3 ES Vol 3, Appendix 8-1: Landscape and Visual Impact Assessment Methodology [[APP-187](#)]. While the council considers the methodology is generally consistent with standard practice and GLVIA3 for undertaking LVIA work, the resulting outputs remain difficult to follow, and in the council's view, are muddled, inaccurate, incomplete in places, and lacking in transparency. These concerns have not been suitably addressed by the Applicant during the DCO examination process. Council officers and consultants have also found that some assessment cross-referencing is of limited accuracy and often fails to present information in a clear or usable form.
- 3.5. The council concerns remain with the Applicant's Landscape and Visual assessment (ES Chapter 8, Landscape and Visual [[REP6B-005](#)]). The assessment does not clearly convey or accurately consider the correct levels of landscape and visual effects considered likely to arise from a development of this proposed scale and nature inserted into this high value, sensitive landscape.
- 3.6. The council does not accept the Applicant's Landscape and Visual Assessment constitutes a robust assessment of the likely landscape or visual effects which are considered likely to arise from this development proposal, and which should be relied upon to inform decision making.
- 3.7. Throughout the DCO process, the Applicant has responded to issues and concerns in relation to the Landscape and Visual Assessment raised by the council and other interested parties by producing and submitting into examination numerous 'Technical Notes' and other documents that do little to address or resolve the identified shortcomings with the assessment. Instead,

these documents largely restate and attempt unsuccessfully to justify the Applicant's approach and conclusions, relying on information the council had already considered. They provide no substantive new evidence or reassurance that the methodology has been appropriately applied, or the disputed landscape and visual impacts robustly assessed.

- 3.8. A key example of this includes the Applicant's assessment of landscape fabric and landscape character within ES Chapter 8, Landscape and Visual [REP6B-005]), where the council raised concerns within its Relevant Representation [RR-4934] that the Applicant's assessment of landscape fabric did not appropriately recognise the full physical loss and resulting physical changes to existing landscape components that comprise the landscape resource within the order limits, only including potential positive effects for the natural landscape fabric components.
- 3.9. In the council's opinion this clearly demonstrates that a full, impartial, transparent and robust assessment of the physical and perceptual change effects that are likely to impact landscape components within the order limits **has not** been carried out by the Applicant.
- 3.10. The definition of 'Landscape Fabric', as currently defined at Page 48, third row of the LVIA glossary [APP-187] has been consistently highlighted to be a concern, which is further explained by later comments in relation to the shortcomings of the assessment of 'Landscape Fabric'. The definition of the term **Landscape Fabric** should encompass **all the physical and spatial components** that combine and interact with each other. These include natural, cultural and historic features, land-use and current management practices, built elements such as scale of infrastructure and roads, settlement, including perceptual and aesthetic aspects such as relative tranquillity and sense of openness / enclosure and ruralness, all of which combine and interact to define the baseline landscape fabric and ultimately the character of the site and its landscape context.
- 3.11. The various introduced new built components such as substations, internal access tracks, solar PV arrays, alongside changes to current land use and management, alteration to rural road network, mitigation planting and changes to vegetation management, are all components which directly influence the baseline landscape fabric including some perceptual and aesthetic aspects.
- 3.12. Paragraph 8.3.52 of ES Chapter 8 [REP6B-005] quotes the 'Wiltshire Council Renewable Energy Study Landscape Sensitivity Assessment 2023' as stating: *"Landscape sensitivity to these very large schemes would be categorised as "high" sensitivity regardless of location, requiring developers to pay particular attention to this issue in their specific applications"*. Therefore, as the site has an accepted 'High' Receptor Value and a 'High' Sensitivity, its Susceptibility to the change proposed can only be 'High'. The matrix does not allow for downgrading this by ignoring key components of the Landscape Fabric. Therefore, in respect of Lime Down Area C, as an example, the assessment of effect on Landscape Fabric has been downplayed to such an extent where the suitability of the Landscape Assessment must be called into question. At no

point does the assessment of fabric acknowledge the possibility of adverse effects, and indeed reports that after 15 years the effects will be beneficial. This is incorrect and is based on a flawed assessment (see embedded mitigation below). The Magnitude of Change and the Significance of Effect have been grossly underestimated. The proposals for Site C are looking at a land use change of a tranquil, rural landscape of 241ha (inclusive of mitigation and landscape / ecological enhancement areas) to an extent which dwarfs the scale of the receiving landscape and any other development in the area. Circa. 24 ha of currently vegetated farmland will be lost under proposed hard surfacing (internal access tracks, compounds for the substations and BESS areas), but this is not mentioned or considered within the Applicant's assessment of landscape fabric components as an adverse direct quantifiable direct physical change effect. Likewise the creation of regular 20m long HGV passing places along Alderton Road and the Fosse Way (Lime Down C) are not assessed as quantifiable fabric changes impacting the appearance and perception of rural roads, but the seeding and enhancement of road verges are. The council maintains its serious misgivings with the landscape assessments for landscape fabric and landscape component elements within and bordering the DCO limits.

- 3.13. All embedded landscape mitigation and enhancement measures should have their basis in the current baseline condition of the receiving landscape. Planting or management of existing vegetation for mitigation which does not relate to the existing baseline landscape structure could result in detrimental effects on the receiving landscape at decommissioning.
- 3.14. The Applicant contends that their 9.5 Technical Note on Landscape Fabric and Landscape Character [\[REP1-121\]](#) provided at Deadline 1 clarifies how their separate assessments of landscape fabric and landscape character have been considered within the assessment [\[REP3-025\]](#). However, following the council's review of this document within its written response to the ExA's first written questions (ExQ1-LV1.2) at pages 35-37 [\[REP3-142\]](#), its content does not alter the council's position. The council further highlighted that the Technical Note appears to contradict itself at paragraphs 3.1.9 and 3.1.10 highlighting that this document supported the council's observations, in that the assessment largely ignores and fails to quantify the adverse / negative physical and perceptual changes to landscape components within the order limits and only seeks to identify the potential positive aspects, with adverse effects only being considered within the assessment's wider considerations of character. Neither does the landscape assessment appropriately consider the physical and perceptual effects for the introduced new component elements of the scheme, such as the hard surfacing of circa 24ha of existing farmland and existing vegetation to accommodate the internal access tracks, BESS and substation compounds within their assessment considerations.

Lack of Robust Cumulative Landscape Assessment and Sequential Visual Assessment (e.g. Fosse Way)

- 3.15. A further flawed example in the council's opinion of where the Applicant's assessment has not been appropriately carried out, includes 9.71 Additional Sequential Visual Assessments (Rev 1) [\[REP6-062\]](#), submitted to the assess

the intra-project sequential visual effects on the well-used minor road routes which pass through the Lime Down Solar Park primary development areas A – E.

- 3.16. In response to Action Point 19 of Issue Specific Hearing 2 (ISH2), Wiltshire Council was requested to: *“Mark up on a plan the minor routes where an intra-project sequential visual assessment should take place.”*
- 3.17. The council has serious misgivings about the efficacy of the assessment report submitted by the Applicant, which appears to have paid lip service to the assessments required and has failed to carry out the necessary field and assessment work to provide any meaningful results. The council's key concerns with this document are:
- 1) *The Assumptions and Limitations exclude an extremely important factor, which is a key factor in the assessment of effects throughout the operational phase. GLVIA3 Page 134 Bullet point 6, states: ‘where the projects have yet to be constructed and may not even be fully designed, a judgement will have to be reached about their appearance, making clear any assumptions made or information used’. No assumptions regarding the design of the panels and other factors such as spoil storage, access points, etc. have been made, therefore the design parameters used in making the judgement are not known and are most likely to have resulted in the assessment of effects being grossly underestimated.*
 - 2) *The sequential assessment should have assessed each route in both directions, as traffic travels in both directions on all roads within Wiltshire Council's Routes and there are no one way routes.*
 - 3) *Where the assessment has broken down each of the routes recommended into smaller units and carried out assessments on each of them, this has created a potential large gap in the assessment process. There have been no sequential assessments from one section of a route to another. This is a significant shortcoming in the interpretation of the prescribed methodology for this assessment.*
- 3.18. The council reiterates its concerns that the Applicant overestimates the effectiveness of their embedded mitigation strategy and underestimates the magnitude of change and the sensitivity of the landscape to accommodate change of this scale and nature within their assessments. The high relative baseline tranquillity and time deep rural qualities of Lime Down Areas A, B and C, are highly susceptible to the changes envisaged from the introduction of this nationally significant infrastructure project into this tranquil, deeply rural and high value landscape.

Draft Development Consent Order

- 3.19. Alongside Requirement 7 requiring a detailed Landscape and Ecological Management Plan (LEMP), the council considers that there should be a tandem or combined DCO Requirement to update the Landscape and Ecology

Mitigation Plan(s) [[REP7-034](#); [REP7-035](#); [REP7-036](#); [REP7-037](#)] based on any finally proposed scheme layout following completion of any outstanding site-specific detailed site surveys or assessments.

- 3.20. The council's justification is that written plans must align to a spatial plan, otherwise there is no accurate link to illustrate the location / spatial extent of features and habitats to be established, monitored and managed on the ground. These plans will also provide the basis for the preparation of detailed landscape proposals and will be important for the LPA to reference at the time of discharging Requirements 7 and 8 and during the approval process for other detailed management plans and requirements of the scheme.
- 3.21. Landscape Design Parameters form a key part of the Embedded Mitigation. These parameters are based on the baseline landscape and visual considerations including the relevant landscape character assessments and, crucially, the existing landscape fabric and their interactions. Therefore, before taking the mitigation proposals forward it is essential that there is a detailed description for each of the individual sites and their component fields. As already highlighted the landscape fabric has not been adequately covered in ES Chapter 8 [[APP-060](#)] or by the subsequently submitted 9.5 Technical Note on Landscape Fabric and Landscape Character [[REP1-121](#)].
- 3.22. The DCO process approval would effectively give the green light for the development, although much of the detailed design work and exact locations of the components of the development are still to be finalised. This means that, although the Embedded Mitigation proposals are a key part of the project, they may have to be changed as the design progresses. Additionally, because the baseline landscape fabric has not been adequately considered, there is a very real danger that landscape planting and 'enhancement' measures could end up adversely changing the baseline condition.
- 3.23. Therefore, the council considers that the following factors, which have been highlighted throughout the DCO examination process, should be an additional requirement as they have not been adequately considered by the Applicant:
 - a) A full assessment of the baseline landscape fabric and the interactions between features and components is undertaken for each site.
 - b) Based on a.) above, the results of the LVIA, and other any other relevant factors, the site plan for each of the sites and the CRC should be finalised, with the embedded landscape proposals ensuring that they are suitable for providing long-term landscape and visual enhancements after decommissioning without adversely affecting the baseline resource, which will generally remain as an intimate, tranquil, agricultural landscape.
 - c) Any fields which are removed from the scheme should be retained in agriculture, either pastoral or arable, to preserve the current baseline character and appearance of the landscape.

- 3.24. The Applicant is relying on the Rochdale Envelope as the method by which they will be able to make changes to the DCO scheme. However, the Rochdale Envelope relies upon the maximum and minimum parameters having been established during the EIA. There is limited evidence that the worst-case scenario assessment has been carried out within Chapter 8 of the ES.
- 3.25. Version 3 of '*Nationally Significant Infrastructure Projects – Advice Note Nine: Rochdale Envelope*' updated in March 2025, gives guidance on the use of the Rochdale Envelope. The key principles of this guidance in the context of this DCO application are summarised below:
- *the DCO application documents should explain the need for, and the timescales associated with the flexibility sought and this should be established within clearly defined parameters;*
 - *the clearly defined parameters established for the Proposed Development must be sufficiently detailed to enable a proper assessment of the likely significant environmental effects and to allow for the identification of necessary mitigation, if necessary, within a range of possibilities;*
 - *the assessments in the ES should be consistent with the clearly defined parameters and ensure a robust assessment of the likely significant effects;*
 - *the DCO must not permit the Proposed Development to extend beyond the 'clearly defined parameters' which have been requested and assessed. The Secretary of State may choose to impose requirements to ensure that the Proposed Development is constrained in this way;*
 - *the more detailed the DCO application is, the easier it will be to ensure compliance with the Regulations.*
- 3.26. However, it is acknowledged that '*Advice Note 9: Rochdale Envelope*' was withdrawn in July 2026, as it has now been consolidated into the Planning Inspectorate's updated guidance: '*Nationally Significant Infrastructure Projects: Pre-application advice on Environmental Impact Assessment*'. Although it is noted that many of the principles highlighted above have been incorporated into the new consolidated guidance.
- 3.27. Therefore, to ensure that the effects on receptors and the concerns of residents are fully considered in the event of the following potential changes to the proposed design and site layout, the council considers that the following Requirement is also necessary:

The LPA will require an LVIA to be undertaken, with consultation with all interested parties, in the following cases:

- Changes to the locations and designs of any infrastructure, including:

solar panels; BESS; transformers, substations, cabling and switch gear and inverters spoil storage and land regrading.

- Any changes to the CRC route.
- Changes to the access proposals, internal road layout, staff and maintenance facilities.

3.28. A Requirement requiring consultation with the LPA and other interested parties, covering the following, is also recommended:

- Changes to: Security fencing, lighting and security cameras.
- Changes to, or addition of, any communication masts and aerials.

Outline Management Plans / Control Documents

7.15 Outline Soil Resources Management Plan (Rev 6) [REP7-079]

3.29. Following discussions at ISH7, the council welcomes the Applicant's incorporation of additional measures introduced at Paragraph 1.8.23 identifying further necessary environmental constraints for locating soil stockpiles. The additions provide a degree of further planning certainty that soil stockpiles will not be located in prominent fields within the setting of the CNL where panels have already been removed from the proposal to provide embedded landscape and / or visual mitigation, nor will they be located in field areas providing mitigation areas for ground nesting birds.

3.30. As the examination has progressed it has become increasingly apparent to the council that the Applicant has not considered the practical implications for maintaining soil health or the likely necessary land take requirements connected with long-term stockpiling of huge volumes of excavated and stripped soils across Lime Down Areas A to E for up to 60+ years, pending their eventual re-use to restore circa. 24 hectares of hard surfaced farmland during the decommissioning phase of the scheme.

3.31. During the course of the examination the council has raised serious misgivings over the feasibility of storing topsoil in temporary stockpiles for up to 60 years, prior to its planned re-use in land restoration, highlighting this is a clear departure from the principles of DEFRA's guidance 'The Code of Practice for the Sustainable Use of Soils on Construction Sites.' The Code promotes soil handling and stockpiling practices intended to conserve soil quality and functionality for future reuse, rather than for long-term storage over multiple decades.

3.32. The council has also repeatedly questioned why indicative locations for soil stockpiling cannot be provided at this stage by the Applicant, based on worst case scenario estimated excavated soil volumes in order to demonstrate that they can be accommodated without impacting the amount of solar infrastructure

planned, or the environmental constraints now incorporated into the locational considerations of stockpiles included under paragraph 1.8.23 [\[REP7-079\]](#).

7.18 Outline Landscape and Ecological Management Plan (Rev 5) [\[REP7-081\]](#)

- 3.33. As stated at ISH7, the council considers this document should acknowledge that its purpose should also be to detail the monitoring and management arrangements for any specific landscape and visual mitigation measures identified through the LVIA process (e.g. maintain hedges at a lower height adjoining the CNL boundary to maintain existing open views, or to establish and maintain any structured screening of solar, substation, and BESS infrastructure), in order to ensure the residual landscape and visual effects and impacts are reduced in line with the ES Landscape and Visual Assessment. The council further considers that this document should reference and outline adaptive management principles, such as supplementary planting species or consider additional planting areas, if the subsequently specified detailed planting measures fail to effectively deliver the envisaged mitigating function/s (as discussed during ISH7) to achieve the LVIA's assessed residual effects.
- 3.34. The council welcomes the Applicant's addition of paragraphs 1.3.16 to 1.3.18 within the latest revision of the oLEMP [\[REP7-081\]](#) and considers this satisfactory to address the council's request in this regard during ISH7.

6.2 ES Vol 2, Figures 3-4-1 to 3-4-5.2 Landscape and Ecology Mitigation Plans [\[REP7-034\]](#) (Rev 5); [REP7-035](#) (Rev 4); [REP7-036](#) (Rev 5); [REP7-037](#) (Rev 5)]

- 3.35. The council welcomes the Applicant's Deadline 7 revised submission which now better illustrates on the drawings the different construction types and uses of the proposed internal access tracks, and more clearly identifies the location of the drystone walls that are proposed to be retained and restored and illustrates the removal of panels from southern part of Field A1 (Lime Down A).
- 3.36. The outline LEMP needs to be read alongside the 'Landscape and Ecology Mitigation Plans' (6.2 ES Vol 2, Figures 3-4-1 to 3-4-5.2 [\[REP7-034\]](#) (Rev 5); [REP7-035](#) (Rev 4); [REP7-036](#) (Rev 5); [REP7-037](#) (Rev 5)). These figures illustrate the principle and indicative spatial arrangement of the landscape and ecological mitigation proposals for each of the areas (Sites A to E) based on the current illustrative design layout.
- 3.37. The latest version (Rev 7) of the draft DCO (dDCO) [\[REP7-007\]](#) does not secure any obligation or requirements to update the Landscape and Ecology Mitigation Plans following the detailed design of the scheme. While it is understood that Schedule 2 of the dDCO includes the Requirement for submission of a written detailed 'Landscape and Ecological Management Plan' (LEMP) for the LPA's final approval as prescribed by DCO Requirement 7, which must be substantially in accordance with the outline LEMP, and a Requirement for submission of a written 'Ecological Protection and Mitigation Strategy' (EPMS) for the LPA's approval as prescribed by DCO Requirement 8, also under Schedule 2, which must be substantially in accordance with the outline EPMS, it is clear that both of the above DCO Schedule 2 Requirements

(7 and 8) anticipate some refinements and changes to suit the flexible design parameter approach under Rochdale Envelope principles. It therefore seems logical that the currently presented Landscape and Ecology Mitigation Plan(s) will also need to be updated as they illustrate the spatial arrangement of the detailed landscape and ecology proposals that will form the basis of the detailed landscape plans and the detailed LEMP.

- 3.38. Alongside Requirement 7 (LEMP), the council considers that there should be a tandem or combined DCO Requirement to update the 'Landscape and Ecology Mitigation Plans' (6.2 ES Vol 2, Figures 3-4-1 to 3 4-5.2 [[REP7-034](#) (Rev 5); [REP7-035](#) (Rev 4); [REP7-036](#) (Rev 5); [REP7-037](#) (Rev 5)] based on any finally proposed scheme layout following completion of any outstanding site-specific detailed site surveys or assessments.
- 3.39. The council's justification is that written plans must align to a spatial plan, otherwise there is no accurate link to illustrate the location / spatial extent of features and habitats to be established, monitored and managed on the ground. These plans will also provide the basis for the preparation of detailed landscape proposals and will be important for the LPA to reference at the time of discharging Requirements 7 and 8 and during the approval process for other detailed requirements of the scheme.

Other Matters

Enhancement vs Mitigation

- 3.40. During the course of examination, including Issue Specific Hearings (ISH2 and ISH5), it has become apparent to the council that the Applicant has not been able to clearly distinguish between genuine landscape enhancement proposals and the planting measures being relied upon for visual mitigation of the scheme or as mitigation for ground nesting birds. The council considers this has contributed to the LVIA's under reporting of the direct negative / adverse effects while overstating the direct positive / beneficial landscape effects within the LVIA (6.1 ES Vol 1, Chapter 8: Landscape and Visual [[REP6B-005](#)]).

6.2 ES Vol 2, Figure 3-1 Indicative Site Layout Plan (Rev 3) [[REP7-032](#)]

- 3.41. The council highlights that the figure still shows the southern part of Field A1 (Lime Down A) as a solar panel field area, despite its removal from the Landscape and Ecology Mitigation Plan (Rev 5) [[REP7-034](#)].

4. Ecology and Biodiversity

Overall Position

- 4.1. The final position of the council's Ecology Officer is that there are several issues raised either prior to the commencement of the Examination period or during the Examination in response to the submission of new or revised information,

that remain outstanding or not wholly addressed or resolved. The Examination process, notably the Issue Specific Hearings and issuing of Examiner's two sets of questions, has facilitated resolution or partial resolution of some matters, such as concerns raised by the council regarding the content of management plans and control documents.

- 4.2. Nevertheless, several in-principle concerns still remain at the end of the Examination, and these are presented in the next section of this Closing Statement.

Overview of Primary Issues and Remaining Areas of Concern

- 4.3. In terms of the primary outstanding ecology and biodiversity issues and remaining areas of concern, which include overarching in-principle issues with the DCO Application and approach taken, these include but are not limited to the following:

Rochdale Envelope

- 4.4. The Applicant's over-reliance on the 'Rochdale Envelope Approach'.

Scope of Schedule 12 of the Draft DCO and Hedgerow Removal

- 4.5. The overly wide powers afforded by Schedule 12 of the Draft DCO and outstanding concern that despite the wording of Article 40 and inclusion during the Examination of footnotes to Part 1 and 2 of the schedule that cross reference to the Ecological Protection and Mitigation Strategy (EPMS), insufficient detail is provided within the document regarding the actual extent of hedgerow removal. It shouldn't be overlooked that this does allow a significant amount of hedgerow to be removed, including hedgerows that ordinarily would be afforded legal protection by virtue of the Hedgerow Regulations 1997 and hedgerows that are ancient and species-rich and of both inherent value and value to protected species and species of conservation concern.
- 4.6. The Applicant's reluctance, despite the issuing of a direct question on this matter from the ExA, to stipulate a maximum extent of hedgerow removal for each hedgerow listed Part 1 and 2 of Schedule 12 has led to a lack of assurance for the council even though it is recognised that restrictions are detailed in other control documents and plans. Given the Applicant's assurance that the prescriptions and restrictions regarding removal of hedgerow set out in other control documents and plans will indeed be implemented on site, it remains unclear why there has been a refusal to stipulate a maximum extent of removal that each hedgerow can be subject to in Schedule 12.
- 4.7. The council has requested that at the very least, the hedgerows that fall within the greater horseshoe bat consultation zone around the Box Mine component of the Bath and Bradford-on-Avon Bats SAC, should be accompanied by a maximum extent of possible removal within the respective rows of Part 1 and 2 of Schedule 12, however that request has not been fulfilled.

Consideration of CRC Impacts

- 4.8. An over-reliance within the ES and the Habitats Regulations Assessment (HRA) on impacts within the CRC being temporary and that habitat will be reinstated following the works. The ES and HRA don't adequately consider the time that it will take for habitat to be reinstated and the potential for reinstated habitat to be in a less favourable condition and /or to not establish fully.

Extent of Surveys for Solar PV Sites

- 4.9. The scope of Phase 2 / species-specific survey within the Solar PV Sites and the fact that a number of dedicated surveys have not been undertaken which the council considers should have been. An example is the lack of any targeted survey for white-clawed crayfish, especially at key locations where works in proximity to watercourses are proposed, such as for the installation of permanent accesses.

Extent of Surveys for Cable Route Corridor

- 4.10. The lack of any Phase 2 / species-specific survey within the Cable Route Corridor (CRC) and the implications for the accuracy, soundness and reliability of the ES and HRA as well as for the scope and adequacy of the proposed avoidance, mitigation and compensation measures.
- 4.11. The council has repeatedly expressed that it would have expected bat survey to have at least been undertaken in areas of potentially suitable habitat and functionally linked land (FLL) within the section of the CRC that coincides with the greater horseshoe bat consultation zone around the Box Mine component of the Bath and Bradford-on-Avon Bats SAC. This would have served to ensure that the ES and HRA were sufficiently evidence-based, robust and accurate and that conclusions could truly be drawn beyond reasonable scientific doubt. Nevertheless, as parties are at an impasse on this matter, the council defers to Natural England given their role as the statutory nature conservation body and the government's primary advisor on the natural environment. This was first expressed by the council in its comments on the Deadline 3 submissions [[REP4-091](#)] and reiterated in its comments on Deadline 6 submissions [[REP7-134](#)].

Great Crested Newt Mitigation Strategy for Solar PV Sites

- 4.12. The Applicant's proposed great crested newt mitigation strategy for the Solar PV Sites and the decision not to apply to use Natural England's District Level Licensing (DLL) Scheme to allow the proposed works to proceed lawfully at the Solar PV Sites. The reasons for the council's remaining concerns are set out in full in previous representations. In short, in the council's view, the Applicant has not provided a robust justification not to apply for a mitigation licence for the Solar PV Sites.

Mitigation for Impact on Breeding Birds

- 4.13. The Scheme will result in residual significant adverse effects on breeding birds, particularly ground-nesting species. In addition to concern about the impact itself, the council has raised supplementary concerns regarding the supposition in 6.1 ES Vol 1, Chapter 9 Ecology and Biodiversity (Rev 4) [REP7-021] that the impact of displacement of skylark and yellow wagtail will be reduced by the provision of foraging habitat within the Solar PV Sites. Displaced birds will still require adequate suitable open areas for ground nesting, and the provision of foraging habitat does not comprise like-for-like compensation for the loss of significant areas of nesting habitat. Furthermore, the council has repeatedly raised concern about the supposition put forward in paragraph 9.12.32 of Chapter 9 of the ES which states:

“The first way in which the impact of displacement on skylark (and yellow wagtail) will be reduced is through the large-scale creation of optimal foraging habitat in the form of low-input grassland types under/between Solar PV Panels and within buffer zones.”

- 4.14. The council has advised that the majority of modified grassland within the Solar PV Sites will likely not comprise *optimal* habitat and to suggest this is to confer greater benefits to birds than will actually be realised, and that this is skewing the assessment. Although this matter has been discussed throughout the Examination and has been raised by the council a number of times, the most recent version of the ES Chapter 9 retains this wording, and the council considers this to comprise an inaccurate projection and assessment.
- 4.15. Natural England’s standing advice specifies that there should be a suitable amount of replacement habitat to compensate for the displacement, and that for example, there should be no net loss of habitat; like-for-like replacement in the vicinity; alternative habitat that is better in quality or area than the habitat to be lost; and maintained habitat connection to allow normal bird movement. Although ecological mitigation areas, which will be focused on providing habitat for ground nesting birds, are proposed, the council would highlight the aforementioned standing advice and that the areas of compensatory habitat proposed do not equate to the areas to be lost and as such, there will be a net loss of habitat. Furthermore, the mitigation areas proposed, which will comprise fields that will not host infrastructure and will be managed sensitively, along with the Applicant’s reliance on undeveloped arable fields adjacent to the Order Limits being able to ‘absorb’ a proportion of displaced territories as detailed in paragraph 9.12.33 of 6.1 ES Vol 1, Chapter 9 Ecology and Biodiversity (Rev 4) [REP7-021] will not equate to like-for-like replacement, hence the residual adverse effect on breeding birds expected. This is as clearly detailed in paragraph 9.12.37 of document [REP7-021] which states: *“Overall, of the 90 skylark territories anticipated to be displaced by the Solar PV Panels and BESS Area, 26.6 can be mitigated through the above measures, equivalent to approximately 29.5% of the baseline territories. Nevertheless, the residual displacement of approximately 71.5% of the baseline skylark population would still constitute a significant adverse effect.”*

- 4.16. Therefore, the council considers the proposed compensation for breeding birds to be inadequate and would advise the ExA to ensure they are satisfied with the proposed mitigation and compensation and that adequate ecological mitigation areas have been proposed.
- 4.17. The council would also reiterate the point it made during ISH7 regarding the oOEMP and LEMP, which is that these management plans do not provide any mechanisms for the provision of additional mitigation and compensation for breeding birds above and beyond that already proposed, if it becomes apparent that the ecological mitigation areas are not being used by ground-nesting species to the level anticipated by the Applicant. The oOEMP and oLEMP focus on establishing and managing habitat to try to achieve target condition with the objective being that it can then provide suitable nesting and foraging habitat for ground nesting species. Whilst the council acknowledges this is standard practice in respect of skylark mitigation, the question it posed during ISH7 is why the oLEMP and oOEMP do not and cannot feasibly contain any discussion regarding what additional compensation could be provided if it becomes apparent that the ecological mitigation areas are not being used as expected and as suggested in the ES.
- 4.18. In response, the Applicant advised that their focus will be on managing the habitat, especially in the ecological mitigation areas, and that this is standard skylark mitigation. Whilst the latter point is recognised by the council as aforementioned, the counter point made by the council during the hearing is that the displacement of breeding birds and loss of nesting habitat that will occur if the Scheme is permitted, will be a direct result of the Scheme. As such, given the scale of the Scheme and the associated impacts, and the 60 year operational lifetime over which impacts will occur, the council considers that there should be a trigger and mechanism detailed in the plans requiring the Applicant to provide additional compensation if monitoring indicates that ground nesting bird species are not using the mitigation areas to the level projected or discussed in the ES.
- 4.19. The council considers that it is not unreasonable to expect the Applicant to provide additional compensation over and above that already proposed, such as additional mitigation areas, in order to try and reduce adverse effects if this proves necessary rather than just taking the fact that they have done what is required and that regardless of the outcome or monitoring results throughout the operational phase, they will not implement any adaptive or additional mitigation and / or compensation.
- 4.20. The oOEMP and oLEMP have been revised and resubmitted at Deadline 7, and detailed comments regarding these latest versions are provided in the section of this Closing Statement pertaining to Management Plans / Control Documents.

Biodiversity Net Gain

- 4.21. There are outstanding concerns and in-principle issues with the BNG submissions. All the necessary BNG submissions were not initially provided at

the point the DCO application was submitted. As such, a number of issues regarding the BNG submissions were provided by the council in its Written Representation [\[REP1-138\]](#) submitted at Deadline 1, and most of these have remained outstanding throughout the Examination process, with one significant matter relating to irreplaceable habitat only being addressed months later at Deadline 7.

- 4.22. During the Ecology and Biodiversity Issue Specific Hearing (ISH3), the ExA requested that the SoCG between the Applicant and Wiltshire Council be used to progress discussion on BNG issues further. Thus, the outstanding matters pertaining to the BNG submissions are detailed in the final SoCG that will be submitted and so please refer to this document for full details of the points and observations made by the council.

Draft Development Consent Order

- 4.23. The council considers that the maximum extent of removal that each hedgerow can be subject to should be stipulated in Schedule 12.
- 4.24. Furthermore, at the very least, the hedgerows that fall within the greater horseshoe bat consultation zone around the Box Mine component of the Bath and Bradford-on-Avon Bats SAC, should be accompanied by a maximum extent of possible removal within the respective rows of Part 1 and 2 of Schedule 12.

Outline Management Plans / Control Documents

7.12 Outline Construction Environmental Management Plan (Rev 8) [\[REP7-073\]](#)

- 4.25. As stated at ISH7, in respect of Table 3 and the text included relating to horizontal directional drilling (HDD), the council's Ecology Officer suggested that if monitoring during HDD beneath watercourses were to identify the need for adaptive / additional measures to avoid and mitigate impacts on ecological receptors, this will need to be swiftly formulated and agreed with the Environment Agency, the Lead Local Flood Authority and council's ecology team as appropriate, and implemented. It was therefore suggested that the oCEMP should be revised to detail this requirement.
- 4.26. Revision 8 of the oCEMP [\[REP7-073\]](#) submitted at Deadline 7 has been amended as a result of the discussion and points raised by the council during ISH7 and the associated action points assigned to the Applicant by the ExA. In terms of the specific points raised by the council's Ecology Officer, it is noted that the Schedule of Changes at the front of the oCEMP states that Table 3 has been "*updated in relation to text relating to HDD works in the event that impacts to species are identified*" and that these updates have been made "*in response to ISH7 Actions 17 and 18.*"
- 4.27. Table 3 now states:

“HDD works will be undertaken in line with the Outline Ecological Protection and Mitigation Strategy [REP6-039] – Method Statement 7 ‘Precautionary HDD Methodology’. This method statement sets out measures such as the EcoCoW agreeing timings and locations of HDD operations and ensuring attendance at each event. Advice from the Environment Agency, LLFA or a specialist hydrological engineer may be required in the event a risk to species or habitats is identified, for example as a result of excessive vibration or the release of sediments.”

- 4.28. Whilst the revisions are welcomed, they do not wholly address or fulfil the council’s requirements, as although it is specified that advice may need to be sought in the event that a risk to species or habitats is identified, there is no mention of the potential need to determine and implement additional mitigation measures where necessary. The acquisition of advice will not in itself avoid and mitigate impacts on ecological receptors, and it may prove necessary to undertake supplementary mitigation and / or remedial measures. As such, the council considers this should be duly acknowledged and mentioned within the oCEMP.
- 4.29. Furthermore, the revised wording in Table 3 does not indicate that advice would be sought from the council’s ecology team where appropriate in addition to the other parties mentioned.
- 4.30. At ISH7, the council’s Ecology Officer also reiterated the concerns regarding North Bincombe Wood, which had been raised in previous representations, regarding the possible continued use of the access track aligning the North Bincombe Wood, comprising an ancient woodland, and that the track lies within the requisite 15m buffer from the woodland edge. As such, use of this track during construction would result in there effectively being no 15m buffer alongside the ancient woodland.
- 4.31. It is noted that despite the wording in Table 4 of the oCEMP, the access track alongside North Bincombe Wood continued to be shown as a proposed access route on submitted plans. Therefore, concern remained regarding the scope of use of the access track during construction. As such, the officer detailed a request for the oCEMP to be amended so that that it commits to implementation of a 15m buffer alongside ancient woodland, and that it should make specific reference to the need for strict adherence to the implementation of a 15m buffer alongside North Bincombe Wood during construction, and that the recently proposed alternative internal access route is to be used instead.
- 4.32. The Schedule of Changes at the front of the revised oCEMP [\[REP7-073\]](#) states in regard to Table 4 that there have been: *“Updates to mitigation measures and works in proximity of Bincombe and Surrendell Ancient Woodland as per agreement with Wiltshire Council”*. It then states: *“Updates made at Deadline 7 of Examination in response wording provided by Wiltshire Council Arboriculture team following ISH7.”*
- 4.33. It is noted that Table 4 in the revised oCEMP has removed the text that allowed *“...use of the access track and access by the undertaker, its contractors or*

agents where reasonably necessary to undertake activities required to comply with, or discharge, its legal or statutory obligations in connection with the authorised development.” The removal of this text from Table 4 is welcomed.

7.13 Outline Operational Environmental Management Plan (Rev 8) [REP7-075]

- 4.34. During ISH7, the council’s Ecology Officer reiterated comments it had already made in the council’s Responses to the ExA’s second written questions (ExQ2) [REP5-112] regarding the reference to a sensitive lighting strategy but that this had been omitted from the plan. Whilst the council recognised that the OEMP comprised an outline version rather than a detailed version, it was nevertheless deemed that the OEMP and Section 2.7 therein lacked sufficient detail regarding the proposed sensitive lighting strategy.
- 4.35. It was then noted that rather than the council’s point having been addressed, the previous iteration of the Outline Operational Environmental Management Plan [REP6-031] no longer included reference to a sensitive lighting strategy within paragraph 2.7, although it was still cited in Table 3. As such, this matter remained outstanding.
- 4.36. In response to this point being raised during ISH7, the Applicant’s consultant, AECOM, made reference to there being a sensitive lighting strategy set out within the oCEMP. The council would highlight however, that this relates to the construction phase rather than the operational phase and that regardless, the relevant detail was omitted from the versions of the documents that were most recent at the time of ISH7, namely [REP4-052] and [REP6-031].
- 4.37. In addition, there appeared to be a lack of understanding from the Applicant that one of the points being made by the council related to the fact that the text in Table 3 of the previous version of the oOEMP [REP4-052] indicated that the sensitive lighting strategy would be provided in the detailed version of the OEMP, and would include the method of installation of artificial lighting; and that the point being put forward by the council is that there should have been no reason why the associated information could not have been provided within the oOEMP [REP6-031] given that it relates to a standard installation method rather than specific locations of lighting installation.
- 4.38. The revised oOEMP [REP7-075] submitted at Deadline 7 still hasn’t been revised to address this matter and continues to specify that a sensitive lighting strategy will be included as part of the detailed OEMP. As such, this issue remains outstanding and unaddressed.
- 4.39. During ISH7, the council highlighted that in respect of badgers, in its Response to the ExA’s second written questions (ExQ2) submitted at deadline 5 [REP5-112], the council commented that under the heading ‘Impacts on biodiversity features during the operation of the Scheme’ in Table 3 of [REP4-052] it was specified:

“Should new badger setts be excavated in areas where they come into conflict with ongoing management activities, then these setts would likely be excluded

under a mitigation licence from Natural England. The mitigation licence would secure any compensation measures (such as the creation of artificial setts) required, the exclusion of the setts, and would ensure any impacts to setts are compliant with current legislation.”

- 4.40. In its response to ExQ2, the council specified that whilst it acknowledges instances may arise where the only viable option is to apply for a mitigation licence in order to exclude / close a badger sett, nevertheless, it considered that Table 3 of the outline OEMP should include text that sets out that in the first instance, it would be established whether any other avoidance or mitigation measures could be implemented to avoid the need to exclude a sett, such as ascertaining if the management activities could be conducted in a different manner or use different machinery, technology or plant. Additionally, the council advised that it considers there should be some provision within Table 3 for the feasibility of employing other avoidance and mitigation measures to be investigated in the first instance in accordance with the mitigation hierarchy.
- 4.41. The council's Ecology Officer advised during ISH7 that these comments still stood as the oOEMP [\[REP6-031\]](#) had not been revised to address this matter. As a result, the ExA asked for comment on this matter from the Applicant. The outcome of the subsequent discussion was that the ExA requested the Applicant amend the oOEMP to address this issue and to make it clear that the mitigation hierarchy would be followed.
- 4.42. Table 3 of the revised oOEMP [\[REP7-075\]](#) submitted at Deadline 7 has been amended to include reference to the implementation of protective buffers around newly excavated setts and that these setts would likely be excluded under a mitigation licence from Natural England as a last resort measure. The inclusion of this additional text is welcomed.
- 4.43. During ISH7, the council highlighted that in its Response to the ExA's second written questions (ExQ2) [\[REP5-112\]](#), the council had raised issue with the level of detail provided regarding skylark mitigation within Table 3 of [\[REP4-052\]](#).
- 4.44. In the hearing, the council stated that it had noted the relevant section of Table 3 in Revision 5 of the oOEMP had been revised to include adaptive skylark mitigation and that these revisions had been carried forward to the latest draft of the oOEMP, which was Version 7 [\[REP6-031\]](#) at the time of the hearing. It was also recognised that in respect of the monitoring requirements, Table 3 of Version 7 of the oOEMP stated:
- “The findings of this ongoing monitoring will be used to assess the effectiveness of the ground-nesting bird mitigation areas and to identify whether any remedial or adaptive measures, such as changes to the management regime, are required if monitoring demonstrates that ground-nesting birds are not using the mitigation areas to the extent anticipated..”*
- 4.45. Table 3 also refers the reader to the oLEMP in respect of the monitoring requirements.

- 4.46. The council specified, however, that it considered that Version 7 of the oOEMP still lacked sufficient detail regarding what would comprise the trigger points for instigation of adaptive mitigation and / or management, and in regard to the extent to which the mitigation areas are expected to be used, it would be useful if this could be quantified because the current wording isn't sufficiently prescriptive and doesn't qualify the term 'the extent anticipated'. It is also considered that the monitoring requirements could and should be set out within the oOEMP rather than just cross-referencing to the oLEMP. The council highlighted that, moreover, limited further detail than that provided in the oOEMP was in fact presented in Section 1.4 of the oLEMP regarding monitoring of the efficacy of the ground-nesting bird mitigation areas. The oLEMP merely stipulated:

"Bird Surveys – monitoring of the bird populations across the Solar PV Sites, both within the array and potential mitigation areas, will be undertaken and compared to baseline bird survey data collected for the Scheme."

- 4.47. Section 1.4 of the oLEMP then stipulated that breeding bird surveys are likely to be undertaken every 5 years.
- 4.48. During ISH7 the council therefore advised that their comments still stood as the latest iteration of the oOEMP [\[REP6-031\]](#) had not been sufficiently revised to address this matter. As a result, the ExA asked for comment on this matter from the Applicant. The outcome of the subsequent discussion was that the ExA requested the Applicant undertake some amendments to document [\[REP6-031\]](#).
- 4.49. Table 3 of the revised oOEMP [\[REP7-075\]](#) submitted at Deadline 7 has been amended to include the following new text:

"Further details relating to the target habitat condition and potential triggers for remedial action should target condition or suitability be not achieved will be provided within the detailed LEMP. General monitoring of bird populations at the Solar PV Sites, including within ground-nesting bird mitigation areas, is also proposed within the monitoring strategy."

- 4.50. The council welcomes the clarification provided by means of the new and revised text within Table 3 but notes that it still relies heavily on the oLEMP, and would therefore reiterate that the previous version of the oLEMP likewise lacked the requisite level of detail and so in effect didn't augment the oOEMP or provide any further information. It is noted that the revised oOEMP therefore stipulates that further details will be provided within the detailed LEMP rather than the updated version of the oLEMP. This is disappointing given that a revised version of the oLEMP has also been submitted at deadline 7 [\[REP7-081\]](#) and as such, the council would have expected the necessary detail to have been provided within the revised oLEMP.
- 4.51. The council also wishes to highlight that the detailed management plans are meant to be substantially in accordance with the outline management plans and so pertinent details and information should be provided not only within the

detailed iterations of these plans, but also within the outline versions. Moreover, there will be limited scope for the council to request material or substantive amendments to the detailed management plans once submitted. Therefore, in the case of the LEMP whereby the inclusion of pertinent information is being deferred until the detailed plan is submitted, if at that juncture the council is not satisfied with the content of the plan, it will likely prove more difficult to secure the required changes.

7.18 Outline Landscape and Ecological Management Plan (Rev 5) [REP7-081]

- 4.52. During ISH7, Wiltshire Council's Ecology Officer advised that the oLEMP, for example in paragraph 1.1.34, referred to the maintenance of the shrubby element of other hedgerows across the Order Limits (excluding select hedgerow trees) to an optimum height of 4–5 m tall, whereas other submitted documents stated that the hedgerows will be maintained at 4.5m AGL. The council therefore sought clarification with respect to this discrepancy and requested that documents and plans are updated to either consistently refer to 4.5m AGL or 4-5m.
- 4.53. It is noted that on this matter, paragraph 1.3.43 of the revised oLEMP submitted at Deadline 7 [REP7-081] has been amended to state: *"The shrubby element of hedgerows (excluding select hedgerow trees) will be maintained to a height of up to 4.5 m tall."* This amendment and clarification that the proposed maintenance height is 4.5m is welcomed.
- 4.54. The inclusion of paragraph 1.3.85 pertaining to the access track alongside North Bincombe Wood, is also welcomed.
- 4.55. In regard to skylark mitigation, the inclusion of paragraph 1.3.167 within the revised oLEMP [REP7-081] is noted. However, as discussed above in the text relating to the revised oOEMP, it is evident this new paragraph does not actually provide any additional information and instead just specifies:

"Further detail on target habitat condition to provide optimal foraging and nesting opportunities for ground-nesting species in these areas will be provided within the detailed LEMP, including vegetation height and structure throughout nesting season, as well as prescriptions for habitat remediation or further mitigation in the event that monitoring were to conclude the habitat does not meet target condition or suitability for the purpose of mitigation."

- 4.56. Therefore, the comments provided under the oOEMP heading equally apply to this discussion under the oLEMP heading and so please refer to the comments provided under the oOEMP heading to avoid duplication of text.

7.19 Outline Ecological Protection and Mitigation Strategy (Rev 7) [REP7-083]

- 4.57. During ISH8, Wiltshire Council's Ecology Officer stated that *Method Statement 13: Specific Measures for Avoidance of Impacts on Dormice* detailed in the

oEPMS specified that prior to any removal of hedgerow or dense scrub, an EcoCoW will carry out a pre-commencement inspection to ensure that there are no dormice or dormouse nests present and that this inspection will comprise a fingertip search of all vegetation to be removed for signs of summer or winter hibernation dormouse nests. It then stipulated that where no signs of dormice or their nests are found within a particular section, vegetation clearance can progress under the supervision and direction of the EcoCoW via a single-stage clearance, and that this is appropriate for any time of year.

- 4.58. The council advised that Method Statement 13 is therefore proposing that subject to the results of the pre-commencement fingertip search, the removal of hedgerow or dense scrub can proceed at any time of year.
- 4.59. The council expressed that in its Responses to the ExA's second written questions (ExQ2) [\[REP5-112\]](#), it had highlighted that the approach detailed in Method Statement 13 appeared inconsistent with that stipulated against item 3.3.15 of the SoCG between the Applicant and Natural England [\[REP4-063\]](#) wherein Natural England specifies that the Applicant had committed to out of season works for hedgerow removal in order to protect dormice. It was therefore apparent that Natural England was of the view that the hedgerow removal will be seasonally timed, whereas *Method Statement 13* indicates that the works will not be seasonally timed and instead will be undertaken at any time of the year subject to the results of the pre-commencement survey. In effect, *Method Statement 13* did not stipulate or discuss any seasonal restrictions to the works being undertaken or prescriptions in relation to avoiding particular times of the year.
- 4.60. Wiltshire Council's Ecology Officer advised during ISH8 that *Method Statement 13* appears unchanged in the latest draft of the oEPMS [\[REP6-039\]](#) and that also, there did not appear to have been any associated updates in the SoCG between Natural England and the Applicant.
- 4.61. The council's Ecology Officer advised the ExA during the hearing that the council has concerns with *Method Statement 13* and requested that this point be clarified and that further information be requested of the Applicant.
- 4.62. The revised oEPMS submitted at Deadline 7 [\[REP7-083\]](#) does not include any revisions to Method Statement 13 to address the points raised by Wiltshire Council during ISH8 and as set out in the council's response to Deadline 6 and Deadline 6B Submissions [\[REP7-134\]](#).

Other Matters

Various Updated Documents that Address the Track Alongside North Bincombe Wood

- 4.63. The Applicant's Deadline 7 Cover Letter [\[REP7-001\]](#) specifies that 6.2 Figure 3-1: Indicative Site Layout Plan (Rev 3) [\[REP7-032\]](#) has been updated to

amend the symbology for Accesses 14 and 15 to show these as operational only; that 6.2 Figure 3-2: Key Construction Phase Features (Rev 3) [\[REP7-033\]](#) has been updated to reflect the removal of Accesses 14 and 15 as they are not required for construction; that 6.2 Figure 13-11: Construction Access Locations: Solar PV Sites (Rev 3) [\[REP7-030\]](#) has been updated to reflect the removal of Accesses 14 and 15 as they are not required for construction; and that 6.2 Figure 13-13: Operational Only Access Locations: Solar PV Sites (Rev 2) [\[REP7-031\]](#) has been updated to reflect the addition of Accesses 14 and 15.

- 4.64. It is recognised that these revisions have been undertaken and that Figure 13-13 Operational Only Access Locations Solar PV Sites (Rev 2) does denote access locations 14 and 15 as operational only access locations.
- 4.65. The 2.6 Access Plan (Rev 3) [\[REP7-005\]](#) shows Access Locations 14 and 15 on the track alongside North Bincombe Wood and Indicative Access to Works from each access location into adjacent fields to the north and west respectively. The key refers to Schedule 7 of the draft Development Consent Order, however, the 2.6 Access Plan doesn't seem to state explicitly that the access locations and accesses into the development to the north and west, and therefore the access track, is to be used during operational phase only.
- 4.66. Having reviewed the 3.1 Draft Development Consent Order (Rev 7) [\[REP7-007\]](#), it is evident in Schedule 7 the following is stated in relation to the Access Locations 14 and 15 illustrated on the 2.6 Access Plan (Rev 3) [\[REP7-005\]](#):
 - Rodbourne, along Cabbage Lane - The provision of a permanent means of access to the authorised development from the point marked 14 on sheet 6 of the access plan;
 - Rodbourne, along Cabbage Lane - The provision of a permanent means of access to the authorised development from the point marked 15 on sheet 6 of the access plan.
- 4.67. The Schedule of Changes in 6.1 ES Vol 1, Chapter 13 Transport and Access (Rev 5) [\[REP7-015\]](#) specifies that Table 13-19 and accompanying text have been updated to remove Access 14 and Access 15 as construction access points in response to Action 19 of ISH6. However, as aforementioned, it appears from a review of 2.6 Access Plan (Rev 3) [\[REP7-005\]](#), which still shows the provision of permanent accesses at these two locations, and from 3.1 Draft Development Consent Order (Rev 7) [\[REP7-007\]](#) and Schedule 7 therein, that these accesses will be used to access the development.
- 4.68. As a result of further discussions between the council and the Applicant in between Deadline 7 and Deadline 8, amended documents will be submitted by the Applicant at Deadline 8. Please see comments within Arboriculture section below, which outline the changes which will be made.

6.1 ES Vol 1, Chapter 9 Ecology and Biodiversity (Rev 4) [\[REP7-021\]](#)

- 4.69. The ES Chapter 9 has been updated to reflect submissions made at Deadline 7 according to the Applicant's Deadline 7 Cover Letter [\[REP7-001\]](#).

- 4.70. The Schedule of Changes at the front of Chapter 9 details that paragraph 9.10.138 has been updated to correct minor errors relating to total extent of hedgerows to be removed and to align with Access Drawings presented in Annex C and Annex D of ES Vol 3, Appendix 13-1 Transport Assessment.
- 4.71. The Schedule of Changes at the front of Chapter 9 also details that paragraphs 9.10.182 and 9.10.200 have been updated relating to maximum extent of hedgerow removal required for access and to align with Access Drawings presented in Annex C and Annex D of Appendix 13-1 Transport Assessment.
- 4.72. It is noted that paragraph 9.10.138 [\[REP7-021\]](#) now states that temporary access gaps in hedgerows created to provide access to working areas from the road network, will require hedgerow removal of up to 23m rather than the previously quoted 18m. The paragraph now specifies that the total hedgerow losses within the Cable Route Corridor are calculated to total up to 1.447 km in length, whereas it was previously calculated as 1.43km.
- 4.73. In addition, it is noted that paragraph 9.10.182, which is in the section of Chapter 9 that assesses construction phase impacts on foraging / commuting bats, has been revised on account of the changes in the length of hedgerow removal required in order to provide access to working areas from the road network. However, paragraph 9.10.182 has not been amended to make specific reference to the 23m removal now required but instead has been revised to state: *“Very occasional gaps of 10–30 m are unlikely to significantly affect functional connectivity for bats where they occur within a well-connected network of unlit, interlinked hedgerows, as is present across the Scheme.”*
- 4.74. An updated HRA hasn't been submitted at Deadline 7 and as such, the revised hedgerow removal requirements detailed in the Deadline 7 submissions, haven't been transposed into the HRA or assessed therein. The latest version of the HRA comprises 7.10 Habitats Regulations Assessment Report (Rev 2) [\[REP3-090\]](#) and states at paragraph 8.2.10: *“Sections of hedgerow to be removed to provide access to the Solar PV Sites from the existing highway network, including for Abnormal Indivisible Loads (AIL) may require a maximum of 18 m of hedgerow loss at any one access point, although would typically be less than this at most access points.”*
- 4.75. Given that the conclusions with respect of the Bath and Bradford-on-Avon Bats SAC set out in Section 10 of the HRA are predicated on implementation of the mitigation measures specified in paragraph 10.1.2 entailing *“the restriction on size of required new hedgerow gaps at the Solar PV Sites (including Lime Down C), and the narrowing of construction widths at field boundary habitats within the Cable Route Corridor to avoid fragmentation of habitat”*, the council would have expected the HRA to have been revised to detail and assess the revised hedgerow removal requirements and for it to have been resubmitted at Deadline 7 alongside the updated ES Chapter 9 [\[REP7-021\]](#).
- 4.76. As paragraph 9.10.182 of ES Chapter 9 [\[REP7-021\]](#) has been updated to discuss the potential impacts of creating hedgerow gaps of 10-30m, it is

therefore assumed that paragraph 8.2.12 of the HRA is being relied upon as the supporting assessment. Nonetheless, as aforementioned paragraph at 8.2.10, and all other relevant paragraphs and sections of the HRA should have been updated to reflect the latest proposals as detailed in the Deadline 7 submissions.

7.8 Biodiversity Net Gain Assessment Report (Rev 6) [REP7-068], 7.9 Biodiversity Net Gain Assessment Appendix Statutory Biodiversity Metric Calculation (Rev 6) [REP7-070] and 7.9 Biodiversity Net Gain Assessment Appendix Statutory Biodiversity Metric Calculation (Rev 6) Excel [REP7-072]

- 4.77. In respect of document [REP7-068], the cover letter states it's been updated in response to feedback received from Wiltshire Council during Statement of Common Ground discussions.
- 4.78. In respect of [REP7-070], the cover letter states it's been updated to correct minor errors relating to the extent of hedgerows to be retained.
- 4.79. A number of issues regarding the BNG submissions were raised by the council in its Written Representation [REP1-138] and in the main these have remained outstanding throughout the Examination process. During the Ecology and Biodiversity Issue Specific Hearing (ISH3), the ExA requested that the SoCG between the Applicant and Wiltshire Council be used to progress discussion on these matters further. Thus, the outstanding matters pertaining to the BNG submissions are detailed in the SoCG. Nonetheless, it is evident that the revised documents submitted at Deadline 7 do not wholly address or overcome all the issues.
- 4.80. By way of an example, Observation 8 highlighted that the submitted 7.9 BNG Assessment Appendix Statutory Biodiversity Metric Calculation [PDA-008] did not comply with the Statutory Biodiversity Metric User Guide in its treatment of irreplaceable habitats, as all 52 recorded ancient and veteran trees across the Solar PV Sites and Cable Route Corridor have been grouped into a single row rather than recorded individually. No justification for this approach had been provided in the metric or the 7.8 BNG Assessment Report [APP-273], despite the User Guide requiring each tree to be entered separately. Furthermore, the methodology used to derive the baseline veteran tree area of 3.10ha is unclear, particularly as the Tree Helper tool had not been completed, thereby limiting the council's ability to verify the accuracy and robustness of the metric calculations relating to these irreplaceable habitats.
- 4.81. The SoCG stipulates that the council recognises the revised BNG report, metric and calculations submitted at Deadline 7, and as such the item pertaining to Observation 8 has now been denoted as 'Agreed'. Nonetheless, as detailed in the SoCG and discussed during a recent meeting with the Applicant (7 October 2026), the council specified that it would have been prudent for the limitations of the metric, including that it will only display a maximum of 22 irreplaceable features, to have been detailed in the BNG Assessment Report for the purposes of clarity and completeness. Furthermore, it is evident that the Tree Helper tool remains unpopulated and that although the Applicant has advised that the tool

had been used, it is not apparent why it remains unpopulated if this is in fact the case and that it has been used to determine the baseline area of the trees that qualify as irreplaceable habitat.

- 4.82. For further details on the council's stance on the latest BNG submissions, please refer to the aforementioned SoCG, which has been finalised for submission at Deadline 8.

5. Arboriculture

Overall Position

- 5.1. During the course of the Examination, the council's Arboricultural Officers have worked with the Applicant to secure greater protection for trees and address some of the originally identified issues.
- 5.2. The LPA is satisfied with the additional wording that the Applicant has included within Article 40(6) and Article 41(5) of the 3.1 Draft Development Consent Order (Rev 7) [[REP7-007](#)]. This requires the powers conferred by the articles to be exercised in accordance with the relevant management plans and have regard to the phase of the authorised development during which the powers are exercised.
- 5.3. With regard to the Outline Construction Environmental Management Plan (Rev 8) [[REP7-073](#)] and the Arboriculture Method Statement (AMS), the LPA acknowledges the commitment by the Applicant with regards to the temporary construction compound areas located at Surrendell Wood to ensure that Ancient Woodland and the existing track to be used to access the temporary construction compound will be given appropriate mitigation in relation to ground protection and protective fencing.
- 5.4. The council welcomes the additions to the Outline Operational Environmental Management Plan (Rev 8) [[REP7-075](#)] regarding notification of works. It has been agreed that, where, during the operation of the authorised development, the Undertaker determines that the felling or removal of a retained tree classified as Category A or Category B in accordance with BS 5837:2012, or a retained veteran or ancient tree, is reasonably necessary due to disease, structural condition, safety considerations or operational requirements associated with the authorised development, the Undertaker shall provide Wiltshire Council with not less than five working days' written notice prior to undertaking the works. Furthermore, Wiltshire Council may make representations to the Undertaker during that five-working day period and that the Undertaker shall have regard to any representations received before undertaking the works.
- 5.5. It is accepted that where works are urgently necessary because a tree presents an immediate risk of serious harm to persons or property, the requirement to provide prior notification shall not apply. In such circumstances, Wiltshire

Council would be notified in writing as soon as reasonably practicable following completion of the works.

- 5.6. Furthermore, the council welcomes the commitment from the Applicant within the oOEMP to ensure that Wiltshire Council is notified of the proposed species, size, specification and location of replacement planting before the planting is undertaken. This will apply where replacement planting is undertaken to mitigate the operational loss of a retained BS 5837:2012 Category A or Category B tree.
- 5.7. The council considers that significant progress has been made to address the concerns regarding North Bincombe Wood. All relevant management plans now specify:

“Any repairs to the existing section of access track adjacent to North Bincombe Wood shall be limited to the infilling of potholes using no-fines gravel and topsoil only. Use of the access track shall be limited to access by existing landowners for the purposes of accessing and managing their land and access required by the undertaker for hedgerow and other vegetation management.”

- 5.8. However, some inconsistencies have been identified in proposals for the North Bincombe Wood access track and accesses in the Management Plans, associated plans and draft Development Consent Order. The council considered that this requires to be addressed.

Overview of Primary Issues and Remaining Areas of Concern

- 5.9. The council’s primary remaining concern related to the contradiction between what has been agreed and included within the management plans with regards to North Bincombe Wood and how the access track and accesses are referred to in the associated plans.
- 5.10. For example, Sheet 6 of the 2.6 Access Plan (Rev 3) [[REP7-005](#)], Sheets 18 and 19 of the 7.19 Outline Ecological Protection and Mitigation Strategy (Rev 7) [[REP7-083](#)], as well as Figure 10-2-06 of the Tree Impact Plans, contained within the 7.12 Outline Construction Environmental Management Plan (Rev 8) [[REP7-073](#)] still refer to the access track for general use by the undertaker, with 2 Solar PV access locations. The council considered that this was in direct contradiction to what has been agreed and included within Section 3.5 Table 4 of the Outline Construction Environmental Management Plan and Outline Operational Environmental Management Plan.
- 5.11. As a result, the council’s Arboricultural Officers sought further amendments to the draft DCO, Access Plan and oEPMS to ensure that the Ancient Woodland is adequately protected.

Draft Development Consent Order

5.12. Part 1 of Schedule 7, which contains the Permanent Means of Access to Works states:

- Rodbourne, along Cabbage Lane - The provision of a permanent means of access to the authorised development from the point marked 14 on sheet 6 of the access plan.
- Rodbourne, along Cabbage Lane - The provision of a permanent means of access to the authorised development from the point marked 15 on sheet 6 of the access plan.

5.13. Furthermore, Part 2 of Schedule 12 still included reference to:

- SH141 – Removal of part of approximately 157m of hedgerow within the area identified by an orange line on sheet 6 of the TPO and hedgerow plan.

5.14. The council considers that the above wording is no longer applicable, following revision to the usage of the track north of North Bincombe Wood, and therefore this should be removed from Part 1 of Schedule 7 and Part 2 of Schedule 12.

5.15. Following discussions between the council and the Applicant, the Applicant has agreed to remove this from Part 1 of Schedule 7 and Part 2 of Schedule 12 in the version of the dDCO which will be submitted at Deadline 8. Provided the changes as previously evidenced to the council are submitted at Deadline 8 by the Applicant, this would resolve the council's concerns in this regard.

Outline Management Plans / Control Documents

North Bincombe Wood

5.16. The council considers that the following should be amended to comply with Table 4: Arboriculture of the oCEMP and oOEMP:

5.17. 2.6 Access Plan (Rev 3) [[REP7-005](#)] identifies Access and Access Locations 14 and 15 as permanent access along North Bincombe Wood. These should be removed.

5.18. 7.19 Outline Ecological Protection and Mitigation Strategy (Rev 7) [[REP7-083](#)] still shows the track north of North Bincombe Wood, as well as the hedgerow HR055 to be removed north-west of Access Point 12. It is considered that this should no longer be required and therefore should be removed.

5.19. Following discussions between the council and the Applicant, the Applicant has agreed to amend Sheet 6 of the Access Plan and Sheet 19 within Annex A of the oEPMS to address the above in the versions of these documents that will be submitted at Deadline 8. Provided the changes, which have previously been

evidenced to the council are submitted at Deadline 8 by the Applicant, this would resolve the council's concerns in this regard.

- 5.20. It is noted that 6.2 ES Vol 2, Figure 10-2-1 to 10-2-23 Tree Impacts Plans [[APP-134](#)] still identifies the access track at North Bincombe Wood. The council considers that it should be given an alternative key to demonstrate access for landowner use and vegetation clearance only. However, should the scheme be consented, this will be subject to the approval of the LPA at the requirement discharge stage.

Arboricultural Clerk of Works

- 5.21. The LPA and the Applicant agreed to add the following wording to the necessary management plans, relating to the Arboricultural Clerk of Works:

“The Arboricultural Clerk of Works (ACoW) shall be a suitably qualified and experienced arboriculturist with a minimum of five years’ relevant professional experience. The ACoW shall have appropriate knowledge and practical experience of arboricultural matters relating to construction, including the application of BS 5837:2012 (or any relevant successor standard), tree protection measures and the supervision of works within or adjacent to Root Protection Areas.

The ACoW shall have sufficient experience and competence to undertake the duties identified within this AMS and to provide appropriate arboricultural advice to the construction team throughout the works.”

- 5.22. However, the LPA has failed to identify this within 6.3 ES Vol 3, Appendix 10-1 Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Rev 2) [[REP7-038](#)] and therefore considers that it should be included.
- 5.23. Following discussions between the council and the Applicant, the Applicant has agreed to amend the Arboricultural Impact Assessment and Outline Arboricultural Method Statement to include the wording detailed above in the version of this document that will be submitted at Deadline 8. Provided the changes, which have previously been evidenced to the council are submitted at Deadline 8 by the Applicant, this would resolve the council's concern in this regard.

6. Built Heritage

Overall Position

- 6.1. The council is broadly in agreement with the approach to the assessment and findings set out within the 6.1 ES Vol 1, Chapter 12 Cultural Heritage (Rev 2) [[REP3-017](#)]. The council considers that the relevant legislation and guidance have been taken into account and that the methodology used has led to the identification of the correct assets for consideration, the appropriate

assessment of their significance and of the impacts which will result from the scheme.

- 6.2. Additional concerns were raised during the examination process in respect of impacts from construction traffic on the Rodbourne Conservation Area and from the cable construction route and a compound on the Grade II* listed Grittleton Manor, with potential impacts on the latter considered to stem largely from indirect impacts to the long-term conservation of the building resulting from socio-economic impact on the current business.
- 6.3. Additional clarification has been achieved via further assessment during the examination process in respect of the level of impact on a number of Heritage Assets (including Rodbourne Conservation Area, Bradfield Manor, Farleaze Farm and Grittleton House). It is agreed that the impacts are correctly assessed and as set out within the Impact Assessment tables in 6.3 ES Volume 3, Appendix 12-8: Cultural Heritage Impact Assessment Tables [\[APP-232\]](#) and the more detailed significance and impact assessment contained within the 6.3 ES Volume 3, Appendix 12-1 Heritage Statement [\[APP-219\]](#) and there is general agreement that there will be a number of locations where a low-level of harm to the significance of heritage assets will result from the residual visual impact of the panels in situ once construction is completed.
- 6.4. In summary, there will be a number of locations where a low-level of harm to the significance of heritage assets will result, but it is agreed that these are correctly assessed as less than substantial harm, generally at a low level. While a few minor omissions or differences of opinion are noted, the council considers that these do not alter the overall conclusion that there will be no significant residual effects on built heritage assets.
- 6.5. With regard to Grittleton House, it is similarly agreed that the level of direct heritage harm resulting from the visual impact of the construction within the setting of the house would not equate to a significant heritage effect but the council has maintained that there is a need for additional mitigation to address the socio-economic impact which has the potential to have an indirect impact on the conservation of the asset. Additional measures to reduce impact have been added to the Outline Construction Environmental Management Plan (CEMP) (Rev 8) [\[REP7-073\]](#) but the council remain unconvinced these will be sufficient to mitigate fully the impacts on the established wedding and events business which is based in the house. Without an agreed business compensation fund to have recourse to in the event of a downturn in bookings due to the impact of the proposed scheme, there can be no certainty that should the business become unviable or not have the funds to continue investment in the upkeep of the heritage asset, 'no harm' to the heritage would be the eventual outcome from these indirect socio-economic impacts.
- 6.6. The council further raised some concerns in respect of the adequacy of measures for monitoring and ensuring the success of the embedded landscape mitigation being relied upon in reaching the conclusions set out above, but these have been adequately addressed (from a heritage perspective) via additional provisions added to the Management Plans.

Overview of Primary Issues and Remaining Areas of Concern

- 6.7. The most significant impact resulting from the Scheme is likely to be that on the Grade I listed Bradfield Manor via the erosion of its rural setting, taking into account the status of the building and the fact that the 17th- Century parlour wing appears to have been designed to enjoy views across the landscape from its upper floors, making it difficult to provide effective landscape mitigation. The impact is exacerbated by the siting of the BESS and substation within the setting. Amendments to the solar panel areas (removal of panels from Field D5) have been made and there are additional provisions for embedded landscape mitigation in the form of reinforced screening from existing hedgerows and tree belts and a new tree belt. It is agreed that the impacts are sufficiently mitigated such that the overall level of harm will be low with no significant residual effects from an EIA perspective.
- 6.8. Other identified impacts are largely similar in severity, and the council is in agreement that, with the mitigation secured, none will result in significant harm from an EIA perspective.
- 6.9. The council's remaining area of concern lies with Grade II* listed Grittleton House. It is agreed in this case that the level of heritage harm resulting directly from the visual impact of the construction within the setting of the house would not equate to a significant heritage effect but the wedding and events business based in the house is sensitive to construction within its setting and may be adversely impacted by the scheme with potential indirect negative consequences for the long-term conservation of the asset. Additional measures to reduce impact have been added to the Outline Construction Environmental Management Plan (Rev 8) [\[REP7-073\]](#) but the council remain unconvinced these will be sufficient to fully mitigate the impacts on the Grittleton House business. Without an agreed business compensation fund to have recourse to in the event of a downturn in bookings due to the impact of the proposed scheme there can be no certainty that, should the business become unviable or not have the funds to continue investment in the upkeep of the heritage asset, 'no harm' to the heritage would be the eventual outcome from these indirect socio-economic impacts.

Draft Development Consent Order

- 6.10. The council does not require any amendments to the dDCO from a built heritage technical perspective.

Outline Management Plans / Control Documents

- 6.11. The council is not seeking further changes to the outline management plans or control documents due purely to built heritage matters. However, due to the potential socio-economic effect on Grittleton House, it is seeking the incorporation of a comprehensive business compensation scheme to mitigate the potential effects of the scheme. Please see comments under the Economy section below.

7. Archaeology

Overall Position

- 7.1. The council's position on archaeology remains broadly unchanged from the LIR [\[REP1-137\]](#) submission at Deadline 1. Wiltshire Council still see no positive impacts from the proposal, either in the construction or operational phases. However, the archaeological remains recorded during the assessment stage are not considered to be of national importance and therefore the potential impact of the proposed development upon this archaeological resource can be mitigated via a mix of scoping out, re-design and 'preservation by record' via archaeological excavations.
- 7.2. Since the LIR, the council have noted the completion of reports on the results of the archaeological evaluations carried out across the solar farm footprint (following on from the earlier geophysical survey), and the completion of the geophysical survey along the proposed cable route that will link the solar farm to Melksham sub-station. Due to the refusal of certain landowners to allow the geophysical survey teams to access their land, several fields have had to be left out of the survey. It has been agreed with the Applicant that if the scheme is consented, these fields will be made the subject of Strip, Map and Record excavations, carried out by qualified archaeologists, to ensure that any archaeological features missed by the remote sensing are fully 'preserved by record' ahead of any construction. The completion of the geophysical survey report has enabled the identification of archaeological sites along the cable route that will require mitigation work ahead of any construction phase.
- 7.3. The Applicant has produced an Outline Archaeological Mitigation Strategy (OAMS) (Rev 3) in 6.3 ES Vol 3, Appendix 12-6 [\[REP7-056\]](#), that sets out the aims of this mitigation work, which includes the scoping out of some areas of archaeological activity, the open area excavation of selected sites, together with minor re-designs to the solar panel locations in order to avoid isolated features. The Applicant proposes to identify the precise methodologies to be employed in the mitigation process via a series of Site-Specific Written Schemes of Investigation (SSWSIs) that will be prepared following the submission and approval of the scheme.
- 7.4. The council also notes that the OAMS has considered the impacts, not just of the construction phase, but also the operational phase (which is often dismissed) and the decommissioning phase, although looking ahead to environmental and political conditions in 2085 may prove problematic. It is almost impossible to assess what work will be required to remove the installations in 60 years and what Local Government Authorities will exist to oversee the archaeological implications of such works. Any commitments to protect archaeology in the decommissioning phase will need to be very robust to survive 60 years and to have sufficient clout to be adhered to in the distant future. The council remain unconvinced that this issue has been addressed.

Overview of Primary Issues and Remaining Areas of Concern

- 7.5. The council disagrees with the Applicant that an OAMS will be sufficient to secure the required level of archaeological work to mitigate the impact of the proposed development. To this end the council had asked for a Detailed Archaeological Mitigation Strategy (DAMS) to be prepared prior the determination of the application. This document, which should have been prepared by the Applicant in discussion with the council and advisors from Historic England, would have produced a set of detailed methodologies that would secure the protection of all archaeological sites to be scoped out of the development and those isolated features that will be avoided by the careful re-positioning of infrastructure, as well as those sites that will be ‘preservation by record’ via archaeological excavation, to the satisfaction of all concerned parties. The production of a DAMS would also have ensured that a detailed mitigation strategy could be easily adopted by any future party who may take on the development from the current Applicant.
- 7.6. However, to date, the council and the Applicant remain in dispute over the need for a DAMS and this has been highlighted in the Statement of Common Ground (Rev 5) [[REP7-093](#)], which states:

“Significant archaeological remains have been identified. Wiltshire Council cannot confirm the adequacy of archaeological protection as the mitigation strategy is incomplete.

A Detailed Archaeological Mitigation Strategy (DAMS) has not yet been submitted, although this is required during the examination.”

Draft Development Consent Order

- 7.7. As no acceptable resolution to the above issues has been found following discussions between Wiltshire Council and Applicant, the Council requires Requirement 12 section (2) to be amended as follows:

“Archaeology

12.— *(1) No part of the authorised development may commence until the developer implements an approved Detailed Archaeological Mitigation Strategy (DAMS) to cover the scheme area, including the cable route and any associated infrastructure. The DAMS is to be submitted to and approved by the LPA’s archaeological advisors, in consultation with Historic England.*

(2) Any written scheme of investigation for archaeological mitigation submitted under sub-paragraph (1) must be in accordance with the Detailed Archaeological Mitigation Strategy and take into account the final design of the authorised development.

(3) Any written scheme of investigation for archaeological mitigation must be implemented as approved.”

- 7.8. This will ensure that the council can enforce the production of a suitably agreed DAMS.

Outline Management Plans / Control Documents

- 7.9. The council does not require any amendments to the outline management plans or control documents from an archaeological technical perspective.

8. Highways and Transport

Overall Position

- 8.1. With regards to Transport and Access, the council remain concerned with the following aspects, which remain not agreed or not accepted following the Deadline 7 submissions:

- 1) Predicted overall HGV trip generation associated with the Solar Park PV sites during the construction phase and underlying calculation assumptions. During the examination, the Applicant and Stop Lime Down (SLD) have both revised their original HGV calculations and underlying assumptions. The two calculations are now much closer which is welcomed, with the Applicant's latest HGV forecast increasing from their original estimate by 37.4% to 35,850 movements over the two-year construction phase. However, the SLD estimate is still higher at 44,380 HGV movements. The council's concerns with potential underestimates in the Applicant's forecast are associated with three specific assumptions, which are set out in the overview of primary issues below.
- 2) The council has a concern that the 50% mode share assumed for shuttle-bus use in respect of worker trips is unrealistic and not a worst case, a point raised as early as the original 'scoping' for the Transport Assessment. Furthermore, the trip distribution assumed for residual worker trips made by car / van is considered unrealistic and somewhat contrived in placing all light vehicle trips onto the identified HGV construction routes. When looking at the 20km distance from the site assumed for the 40% of workers deemed 'resident', most of the larger urban settlements lie to the south and east, so Corsham, Chippenham, Calne and Malmesbury. As such, the likelihood of any workers from any of these settlements routing to the Lime Down A-C area via the A46 / B4040 / B039 is very low. In short, a considerable proportion of the workers accessing Lime Down A-C could route via the A429, so adding to traffic pressure on the road between Dyson roundabout and Bradfield Cottage if continuing to the Fosse way via Norton or potentially using The Street through Hullavington and Grittleton. Whilst this will result in less potential traffic pressure on the B4040 and B4039 to the west, it would increase pressure and impact on some of the narrower and less suitable roads between the A429 and the Fosse Way. This is arguably the worst-case scenario which should be reflected in the expected traffic flow changes.

- 3) Passing place mitigation needed to accommodate two opposing HGVs along the narrow rural lanes proposed for HGV construction access was still regarded by the council as insufficient and inadequate in its Deadline 7 response [\[REP7-134\]](#). At that time, the latest HIA proposals in Annex I to the Transport Assessment (6.3 ES Vol 3, Appendix 13-1) (Rev 6) [\[REP6-014\]](#) included additional passing space works along Fosse Way, however, there was considerable concern about the overall adequacy of passing provision to the south of the Lime Down C accesses. There were also some concerns with the length of some unmitigated sections to the north of the railway bridge on Fosse Way. Furthermore, there remained no proposals to improve and accommodate HGV passage along the route between Dyson Roundabout and Bradfield Cottages, and expressly the length north-west of the junction with The Street. However, the revised Transport Assessment (Rev 7) [\[REP7-058\]](#) and [\[REP7-060\]](#), submitted by the Applicant at Deadline 7, now includes a direct response to the above council's concerns in a new Annex O 'Indicative Highway Widening Works'. This has been reviewed as part of the Closing Statement response, and commentary on new Drawings PL310-314 is provided in the Overview of Primary Issues section below.
- 4) The Council would still prefer a bespoke s59 Highway Agreement to address wider consequential highway damages to the rural lanes being used for HGV construction trafficking, so those parts of the rural highway network not under direct highway works to form the necessary access points to the Solar Park PV sites or within defined Highway Improvement Area (HIA). Whilst the requirement for 'Road Condition Surveys' and extents is set out in the 7.22 Outline Construction Traffic Management Plan (CTMP) (Rev 7) [\[REP7-087\]](#), together with added wording over time in response to council comments about extraordinary trafficking and damages remediation, there is a concern that this will carry less weight than a requirement for a formal s59 Agreement. The Wiltshire Council Highway's concern is amplified by 9.55 'The Applicant's Response to Submissions Received at Deadline 4' [\[REP5-098\]](#) (WC 1-090), where it is stated: "*Section 59 of the Highways Act 1980 provides for the recovery of excess expenses in the cost of maintaining the highway due to "extraordinary traffic". The Applicant does not consider that the traffic associated with the construction of the Scheme is extraordinary*". This is certainly not the view of the council.
- 8.2. From a network management perspective, the council's streetworks team are pleased that the protective provisions for the benefit of the local highway authority (LHA) have been agreed. This provides opportunity to discharge the council's statutory duties in a more coordinated manner. Furthermore, the Applicant has agreed that the council will be provided with their works programme, and that the permitting scheme will be conformed with to ensure the network runs smoothly and no clashes occur. The Applicant's recognition of the Specification for the Reinstatement of Openings in Highways (SROH) will ensure national standards are maintained throughout the reinstatement process and protect the council's assets.

- 8.3. However, whilst the Applicant must provide the council with 3 months' notice prior to start of cabling and / or road works, unless otherwise agreed with the LHA, and comply with the Wiltshire permitting scheme, the council requires changes to the Article 16 regarding Temporary Traffic Regulation Orders. Furthermore, the preference of the council's Highways Development Management (HDM) Officer for a s59 Agreement is supported.

Overview of Primary Issues and Remaining Areas of Concern

- 8.4. The primary remaining issues of HDM concern are associated with the overall estimated number of HGV movements during the construction phase, and the level of proposed HGV passing place mitigation on the narrow rural lanes forming parts of the HGV construction routes. Highway damage caused by what the council considers will be an 'extraordinary' volume of regular HGV traffic using the narrow lanes over the construction phase is also a concern, but this is set out in commenting on the OCTMP below.

Overall HGV Trip Generation: Solar Farm PV Sites - Construction Phase

- 8.5. In terms of the forecast HGV trip generation, it is accepted that many components of the overall calculation have been agreed with both the council and SLD. However, the HGV trip estimates associated with the following three elements are still a concern:

Solar Panels - Loading per HGV

- The loading per HGV is still a very key difference in the two trip generation calculations, with the Applicant now assuming the use of High Cube 40ft containers with a higher advised capacity of 720 to deliver all panels needed. The SLD calculation assumes standard containers with a 500 capacity, which was the Applicant's previous 'worst case' assumption so it is unclear why it should not remain so. As previously noted, it still seems to the council that it would be prudent in assessing a worst-case outcome to 'at least' assume an availability mix of high cube and normal containers. Furthermore, it had been previously queried by SLD how the 12% increase in volume achieved with a High Cube (HC) container can seemingly achieve a 44% increase in the number of solar panels it can accommodate. The Applicant has since supplied a dataset from proposed panel supplier Longi showing a 2.7sqm panel with packaging information stating: "Packaging 36pcs per pallet / 144pcs per 20'GP / 720pcs per 40'HC". As such, this query is addressed but it is considered that the worst-case scenario should not assume sole use / availability of HC containers for all PV deliveries. It was not the Applicant's assumption originally when the number of PV modules originally stated was much lower.

Panel Mounting Structures

- The number of HGVs needed for mounting structures is now assumed to be 51.2% of the number used for PV modules. The previous ratio was 45%. However, given the number of HGV deliveries for PV modules is assumed unchanged, the increase in the number of HGVs needed for

this element (540-599) seems quite modest when the number of panels has increased from 588,968 to 842,500. It is noted that, with all other sites referenced by SLD, this ratio is typically 0.73, which is understood to remain their position. This pre-supposes that circa 1,406 mounting structures can be transported on a single articulated flatbed HGV, a unit load that seems very high and needs further verification. It also needs to be demonstrated that 1,406 units including packaging would not exceed the maximum laden weight of a flatbed articulated HGV.

Excavated Spoil

- The total agreed volume of excavated spoil material is now derived directly from the volumes of material used for access roads, compounds, foundations of substations and the BESS. This amounts to 94,589m³ in accordance with the Applicant's Response to SLD's Written Representation. However, it remains unclear to the council how such a large volume of excavated material will be used on site as advocated by the Applicant with no need for off-site disposal. It is stated by the Applicant that: "*A precautionary allowance for the off-site removal of up to 10% of excavated soils has been included within the Transport Assessment to represent a conservative worst-case scenario for traffic movements*". However, it remains unclear why a figure of 10% is considered a reasonable worst case. This element of the scheme has the potential to generate very large numbers of additional HGVs, noting that even 10% disposal now included is expected to require 721 HGVs. It is questionable whether this is a worst case, whilst noted that SLD use a 25% figure in their latest calculation.

HGV Passing Place Mitigation

- 8.6. HIA passing place proposals along Alderton Road (Drawing PL302) show nine proposed locations for localised carriageway widening. Detailed dimensions show a passage length of circa 20m or greater in each case and width throughout of 6.0m or more. This is considered adequate to pass two 16.5m articulated HGVs (Design Vehicle) in all cases, although at detailed design stage the undertaker will need to confirm this with a swept path analysis through each location as part of the suite of drawings for technical approval. With regards to the length of rural road between the Fosse Way and the access to Lime Down A, the council has accepted in its Deadline 7 response [[REP7-134](#)] and comment made at ISH6 that no need for pre-emptive carriageway widening is deemed necessary prior to the construction phase and that the situation can be subject to monitoring using the highway condition surveys and interim action taken during construction if significant additional overrun damage is seen to occur. It is, however, recognised that, to the north-west of the stables' access, the road edges do show significant existing evidence of heavy vehicle over run each side with only one point indicated between the stables' access and the proposed Lime Down A access with a carriageway width >5.5m.
- 8.7. However, the following rural road lengths remained of concern in respect of the existing passing place opportunities for two opposing HGVs and proposed mitigation in submissions made at Deadline 7:

Dyson Roundabout to Bradfield Cottages

- 8.8. The Applicant was proposing no HIA works along this route other than in the immediate vicinity of the Lime Down D accesses. This was considered unacceptable as noted at ISH6 for reasons as follows. The western edge of the carriageway between the bend to the north-west of the 'The Street' junction and the railway bridge is significantly damaged by heavy vehicle overrun already. The outside edge of the bend also shows that regular vehicle overrun to the verge already occurs. This will only get worse very quickly with the expected increase in HGV usage with the LDSP scheme. It is the council's view that 'up front' mitigation works are required to widen the carriageway through the bend and along the western edge of the carriageway to the north as far as the field access just south of the bridge. Furthermore, there is no clear inter-visibility between the access to the Monks Tap and the point to the north where the carriageway has sufficient width for a centre line marking and so passage width for two HGVs. It is thus considered that localised works are also required 'upfront' to provide a midpoint passing place for two HGVs. Between the railway bridge and the Monks Tap it is accepted that the existing situation is not ideal. Kerb / verge over-run damage has occurred at the junction with Brookside and the large concrete apron access to the rear of the Monks Tap to the north. Whilst a 10m tipper travelling in the northbound direction will be able to move into these areas to allow a southbound HGV to pass, a 16.5m articulated HGV would not be able to without overrun and further damage. However, it has been accepted by the council that these areas can be monitored during the construction phase, and mitigation works agreed if further damage occurs to kerbing and verges in the vicinity of these accesses.

Fosse Way - South

- 8.9. This part of the Lime Down A-C HGV construction route is a key concern to the council. The length between the bend by West Dunley Cottages and the crossroads junction at Fosse Lodge (Inset 3) is 882m, so the proposed reliance on two existing informal passing spaces leaves an intervisibility distance of nearly 300m between them, which is considered excessive and unacceptable. As noted at ISH6, it will be very difficult for an HGV driver to judge whether it is possible to move forward with a sightline this far, even with the straight alignment of Fosse Way. The two locations identified are simply existing areas of informal hardcore, so not made-up carriageway. Furthermore, the dimensions indicated at one of these locations would not accommodate two-way passage of the 'Design Vehicle' (16.5m articulated HGV). It is considered that the provision of at least 4 number passing places is needed between the bend and the Fosse Lodge junction with a nominal spacing of circa 175m. The existing northernmost location could be improved as part of this provision, but it is noted that the spacing to the Fosse Lodge junction is still circa 300m. It is accepted by the council that the crossroads junction with Fosse Lodge will be used for HGV passage and has the space to accommodate 2 number 16.5m articulated HGVs. However, the next passing point proposed is some 380m to the north-east, giving the same concerns with intervisibility and so both

opposing HGVs passing the last passing point before being aware of the conflict.

Fosse Way - North

- 8.10. There remain concerns with the spacing between available HGV passing points to the north of the railway bridge as detailed in the council's response at Deadline 7 [\[REP7-134\]](#). To the north of the railway bridge there is only a single passing space proposed in the first 570m length. Furthermore, there is a concern with the lack of provision in the section immediately south of the Pig Lane junction.

Applicant's Deadline 7 Response

- 8.11. The revised Transport Assessment (Rev 7) [\[REP7-058\]](#) and [\[REP7-060\]](#), submitted by the Applicant at Deadline 7, now includes a direct response to the above council's concerns in the new Annex O 'Indicative Highway Widening Works'. This Annex contained the following drawings showing areas of additional carriageway widening on the Fosse Way and the route between The Street junction and Bradfield Cottages to achieve 2-way HGV passage (Design Vehicle – 16.5m articulated HGV):

- PL310 'Fosse Way - North' showing two additional proposed passing places for HGVs;
- PL311 'Fosse Way - South' showing an additional proposed passing place north-east of the Fosse Lodge junction;
- PL312 'Fosse Way - South' showing three additional proposed passing places for HGVs between West Dunley Cottages and the crossroads junction at Fosse Lodge;
- PL313 'Dyson Roundabout to Bradfield Cottages' showing proposed widening to the outside of the bend and along the western side of the carriageway as far as the field access south of the railway bridge; and
- PL314 'Dyson Roundabout to Bradfield Cottages' showing a proposed passing place for HGVs.

- 8.12. As noted, this is in direct response to comments made by the council at Deadline 7 and discussed at ISH6. Having now examined these drawings, it is considered that this would address the council's remaining concerns on HGV passing place mitigation needed in advance of the construction phase and development of the Solar PV sites. The only slight concern is the distance (circa 250m) between the Fosse Lodge junction and the first passing place to the south-west on Fosse Way (Drawing PL312), although proposals now include formal widening improvements to two existing informal passing points and the creation of the new one, just south of the access to East Dunley Farm. It is, however, noted that these drawings in Annex O are separate to those in Annex L (formerly Annex I) which show the 'Proposed Highway Mitigation - Highway

Improvement Areas'. It was thus initially unclear how these additional highway widening works would be secured under the dDCO if seen as excluded from the HIA and definition thereof. This concern was reinforced by paragraph 1.8.14 in the Transport Assessment where it was stated that:

"The Applicant's view is that the construction route and proposed mitigation measures are suitable to facilitate the Scheme. Further to meetings with Wiltshire Council and ISH6, we have included further indicative minor widening works at the request of Wiltshire Council. These works can be delivered as follows:

- within the public highway;
- within existing grass verge;
- without impact on existing trees or hedgerows".

8.13. As noted, this statement provided no comfort as to the Applicant's intent to deliver these additional highway works, only alluding to the fact that the council deemed them necessary (but not the Applicant) and that they were all deliverable within the existing highway boundary.

8.14. However, following ongoing discussion on the SoCG, the Applicant has agreed that the works indicated in Drawings PL310-314 would be undertaken under the dDCO powers provided within Article 10. This allows works to roads outside of the Order Limits, and so not just the areas defined as Works Numbers 8A and 8B within the dDCO. Following this commitment to the additional works shown in Drawings PL310-314, the council's HDM officer is of the view that sufficient pre-construction highway mitigation is now provided along the rural lanes together with the other HIA works to allow two articulated HGV vehicles to pass along the proposed construction routes without undue risk of passage conflicts and subsequent highway safety risk.

8.15. However, this should not be taken to imply that no other highway works might be needed during the course of the construction phase, as the council has accepted a monitoring position on other route sections. Therefore, the need for further intervention will be guided by any areas of unacceptable damage occurring relative to the pre-construction Highway Condition survey status.

8.16. From a network management perspective, it is noted that section 59 of the Highways Act has not been revoked as part of the DCO, and therefore this is considered to be the best mechanism for agreeing possible damage to the highway rather than the proposed wording in the outline CTMP. Furthermore, additional information will be required in the detailed CTMP to state how the statutory inspections of the cabling work will be undertaken and the final certification process. Sufficient resource will be required to inspect the cabling works.

8.17. The timeframe in Article 16 is insufficient and applications for TTROs should not be subject to Article 47.

Draft Development Consent Order

- 8.18. The council's Highways Development Management team have no outstanding issues with the wording in the dDCO. A primary concern at the outset was the absence of any protective provisions for the Local Highway Authority (LHA) within the dDCO, so setting out how the LHA would be able to exercise control over the detailed design and technical approval of site access and HIA works to be undertaken within the public highway and the undertaking and council inspection of these works. This has now been resolved with LHA Protective Provisions now agreed and included in Schedule 15 - Part 11 to the dDCO.
- 8.19. There was a specific past HDM concern with the wording of Article 10(2) where it was considered that it should not be necessary for Article 10 of the DCO to confer powers under (2) to "alter the layout of any street", so not just the streets identified with the Work Area plans and within the DCO Order limits. However, following internal discussion on the LHA Protective Provisions and wider discussion at ISH6, there is an HDM recognition that Article 10(2) is necessary to allow the application of the LHA Protective Provisions to necessary works outside of the Order Limits, this including any LDSP damage remedials needed and identified in the interim or post-construction Highway Condition surveys and covered under Clause 139(b) in the LHA Protective Provisions.
- 8.20. Furthermore, past comments relating to Articles 11, 14 and 15 have been addressed and HDM are satisfied with the latest draft wording of these Articles.
- 8.21. From a network management perspective, the council's streetworks team welcomes the Applicant's changes to Article 9(2) in the dDCO (Rev 7) [[REP7-007](#)], stipulating that the expert determination process will be that set out in the LHA Protective Provisions rather than in Schedule 16 (procedure for discharge of requirements.)
- 8.22. However, the council maintains that the four-week period in Article 16(5) is insufficient. Wiltshire Council requires an eight-week notice period, but suggests the addition of the wording "*unless a shorter period is agreed in writing by the traffic authority.*" This is a compromise on the council's standard 12-week period.
- 8.23. Furthermore, Wiltshire Council considers that consent under Article 16(4)(b) should be expressly carved out from Article 47. The council requests the addition of the following wording as a new Article 16(8): "*Article 47 does not apply to any consent required under article 16(4)(b).*"
- 8.24. Article 16 should therefore be amended to state:

"Traffic regulation measures

16.—(1) *Subject to the provisions of this article, the undertaker may make temporary provision for the purposes of the construction, maintenance and decommissioning of the authorised development—*

- (a) as to the speed at which vehicles may proceed along any road;
 - (b) permitting, prohibiting or restricting the stopping, waiting, loading or unloading of vehicles on any road;
 - (c) as to the prescribed routes for vehicular traffic or the direction or priority of vehicular traffic on any road;
 - (d) permitting, prohibiting or restricting the use by vehicular traffic or non-vehicular traffic of any road; and
 - (e) suspending or amending in whole or in part any order made, or having effect as if made, under the 1984 Act.
- (2) Subject to the provisions of this article the undertaker may at any time, in the interests of safety and for the purposes of, or in connection with, the construction of the authorised development, temporarily place traffic signs and signals in the extents specified in column 3 of road specified in column 2 of the table in Schedule 8 (traffic regulation measures) and over which temporary provision has been made under paragraph (1) and the placing of those traffic signs and signals is deemed to have been permitted by the traffic authority for the purposes of section 65 of the 1984 Act and the Traffic Signs Regulations and General Directions 2016(a).
- (3) No speed limit imposed by or under this Order applies to vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011 (a) when in accordance with regulation 3(5) of those regulations.
- (4) Before exercising the power conferred by paragraph (1) the undertaker must—
- (a) consult with the chief officer of police in whose area the road is situated; and
 - (b) obtain the written consent of the traffic authority.
- (5) The undertaker must not exercise the powers in paragraphs (1) or (2) unless it has—
- (a) given not less than 8 weeks' notice, unless a shorter period is agreed in writing by the traffic authority, in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the road is situated; and
 - (b) not less than 7 days before the provision is to take effect published the undertaker's intention to make the provision in one or more newspaper circulating in the area in which any road to which the provision relates is situated.
- (6) Any provision made under the powers conferred in paragraph (1) of this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraph (1).
- (7) Any provision made by the undertaker under article 12 (temporary closure, restriction or prohibition of use of streets and public rights of way) or paragraphs (1) or (2) of this article—
- (a) must be made by written instrument in such form as the undertaker considers appropriate;

(b) has effect as if duly made by the traffic authority in whose area the road is situated as a traffic regulation order under the 1984 Act and the instrument by which it is effected may specify specific savings and exemptions to which the provision is subject; and

(c) is deemed to be a traffic order for the purposes of Schedule 7 to the Traffic Management Act 2004(b) (road traffic contraventions subject to civil enforcement).

(8) Article 47 does not apply to any consent required under article 16(4)(b)."

Outline Management Plans / Control Documents

7.22 Outline Construction Traffic Management Plan (Rev 7) [REP7-087]

- 8.25. As noted in the council's Deadline 7 response [REP7-134], the outstanding HDM concern with the OCTMP is associated with sub-section 6.12 'Road Condition Survey'. It is noted that Revision 6 [REP6-042] still includes the wording in paragraph 6.12.1 which states: *"Any identified highways defects or carriageway structural failures resulting from construction activities associated with the Site will be corrected to the satisfaction of the local highway authority either on the completion of the Construction Phase or, if required for safety reasons, prior to or during the Construction Phase. The Highway Authority will be allowed to recover any additional costs incurred, over and above its existing responsibility to maintain, in a steady state, the road(s) in question"*. This still leaves a lot of potential for arguments about remediation noting the last sentence, unless this is accepted by the Applicant that construction trafficking on the rural lanes associated with LDSP is deemed extraordinary. In short, the council's view is that all the identified roads should be returned to a condition which is at least as good as the pre-construction highway survey state, or better, and that all costs for doing so must be borne by the Applicant. This removes any ambiguity as to what will be expected and liability for remedial costs. It is accepted, that there is existing carriageway edge damage to many of the narrow rural roads proposed for HGV construction trafficking, but it is also the case that these existing defects will likely increase the risk of unacceptable deterioration occurring due to the HGV trafficking usage increase expected over the two-year LDSP construction period. Remediating this in full will inevitably result in some highway betterment over the base condition.
- 8.26. As noted in the 'Overview' the council would still prefer a bespoke s59 Highway Agreement to address wider consequential highway damages to the rural lanes being used for HGV construction trafficking. Whilst the requirement for 'Road Condition Surveys' and extents is set out in the OCTMP, together with added wording over time in response to council comments about extraordinary trafficking and damages remediation, there is a lingering concern that this will carry less weight than a formal s59 Highway Agreement.

9.63 Permitted Preliminary Works Environmental Management Plan (PPWEMP) (Rev 2) [REP7-113]

- 8.27. The main HDM concern with the PPWEMP is the potential level of HGV trafficking that could occur along the narrow rural lanes without any HIA widening improvements to facilitate 2-way HGV passage or changes to the accesses to make them suitable. With respect to 'Specific Highway Measures' (Table 3.7) it is stated that "*Existing accesses will be utilised. No new accesses off the public highway will be established*" and "*The Offsite Highway Improvement Areas will not be implemented as part of the PPW*". This infers that existing field gate accesses to be used for PPW are wholly suitable for accommodating HGV trafficking without 'any' improvements to them, but the PPWEMP doesn't specify which existing accesses will be used, so it could be any of them. As noted, a key concern is that any PPW HGV trafficking is intended to precede any HIA works, so passing bay mitigation deemed necessary to accommodate 2-way HGV movements won't be in place at this time. Whilst it is accepted this phase precedes any part of the main works, what level of HGV trafficking linked to the PPW is anticipated and for how long it will be expected to last is not stipulated, noting that some of the operations falling under PPW in paragraph 2.1.2 'could' still result in HGV movements of significance.
- 8.28. In response to actions set at ISH7, the Applicant's transport consultant has provided a table showing anticipated HGV movements associated with each of the pre-commencement activities over the 'scheme' as a whole. This is taken to be the Lime Down A-E sites collectively. It is further stated that "*It is not planned that any of the pre-commencement works will be ongoing for the full duration of the pre-commencement period or that all of these works will be progressed at the same time*". Indicative 'weekly' HGV visits shown in the table covering all PPW activities range from 65-120, so 130-240 2-way HGV movements. This is significant and there remains an unknown as to what extent this trafficking will be concentrated during the PPW period. In the council's view some of the passing place mitigation works along Alderton Road and Fosse Way may need to precede and be in place before the permitted preliminary site works commence.

9. Public Rights of Way (PRoW)

Overall Position

- 9.1. The major impact of the Lime Down Solar Park project will be during construction with two routes being temporarily diverted to slightly longer routes. Accessing the public rights of way network and moving between paths will be impacted by an increase in vehicle movements. The visual enjoyment of the routes will be impacted but the right to pass and re-pass remains. The creation of permissive routes through the site will offset some of the issues that the development would create. The Public Rights of Way contribution is a key component of the mitigation which will allow for the creation of new routes, the

improvement of the existing network through diversions of public rights of way, upgrades to access furniture and surfaces to make the routes more accessible.

Overview of Primary Issues and Remaining Areas of Concern

- 9.2. The council maintains that an annual contribution of £20,000, index-linked by reference to the Retail Prices Index, is required for the operational life of the Proposed Development and throughout its decommissioning phase. The contribution is intended to fund measures responding to the effects of the Proposed Development on the public rights of way network, including the creation, upgrading and surfacing of routes and, where justified, associated payments to affected landowners.
- 9.3. As indicated in the council's LIR [[REP1-137](#)], the council originally sought to secure the contribution through a section 106 agreement, rather than the Applicant's proposed usage of the Community Benefit Fund, in order to provide greater certainty of delivery and receipt. The council was incredibly mindful that the Community Benefit Fund would be voluntary and is, as yet, undefined. However, following further discussions with the Applicant, it has been agreed that the Public Rights of Way contribution would be secured and delivered through a Section 111 agreement.
- 9.4. The council's preferred arrangement is for the contribution to be paid directly to its Public Rights of Way Team at the start of each financial year. A predictable annual payment would allow the council to programme works and carry forward funds where a route-creation, upgrading or surfacing scheme, or a justified payment to a landowner, costs more than a single annual contribution. The final agreement will define the index, base date, first payment date, duration, permitted expenditure and accounting arrangements.
- 9.5. The Applicant has indicated that it is considering whether funds would be transferred directly to the council or through the Community Benefit Fund. It is also considering the treatment of unspent sums.
- 9.6. The council accepts that the agreement should prevent an excessive balance of unspent and uncommitted funds from accumulating. The parties are considering whether annual payments should be suspended when that balance reaches an agreed threshold, with payments recommencing as expenditure reduces the balance. The previously discussed figure of £100,000 is not stated to be agreed.
- 9.7. The council will continue to work constructively with the Applicant to settle and execute an appropriate agreement.

Draft Development Consent Order

- 9.8. The present proposal is to secure the contribution outside the draft Development Consent Order through a separate agreement.

Outline Management Plans / Control Documents

- 9.9. The council does not require any amendments to the outline management plans or control documents from a public rights of way technical perspective.

Other Matters

- 9.10. The council recognises that this application will impact the users of the paths and their enjoyment of the PRow and its setting. However, it will also provide the finances to improve the public rights of way network, by creating paths to link up the network so that less time is spent on the road network. It will help to create circular links, improve the accessibility of the network going forward and create a better public rights of way network which will extend beyond the life of the development.

10. Hydrology, Flood Risk and Drainage

Overall Position

- 10.1. Whilst Wiltshire Council acknowledge that there have been numerous concerns raised relating to flood-risk, drainage and the water-environment position over the course of the examination, the council's drainage team considers that the position in this regard has materially improved during the Examination. It is acknowledged that other parties, and particularly Stop Lime Down, take an alternative view.
- 10.2. The council broadly accepts the assessment methodology, the cumulative and residual effects conclusions, and the proposed combination of formal drainage infrastructure and non-structural runoff-management measures. The council is satisfied that the principal controls are now capable of being secured through the Draft Development Consent Order, the Flood Risk Assessment and Drainage Strategy suite, the Mitigation Route Map and the associated management plans.
- 10.3. However, the council's acceptance remains dependent upon the detailed DCO-approved plans translating the outline commitments into site-specific design, implementation, inspection, maintenance, monitoring, review and corrective-action arrangements. These plans must demonstrate that flood risk is not increased elsewhere and that the conditions relied upon by the assessment, including soil structure, vegetation cover, drainage connectivity, overland-flow routes and watercourse function, are maintained throughout construction, operation and decommissioning.
- 10.4. The council does not seek a separate standalone Hydrological Verification Framework or routine Scheme-wide re-testing of the assumptions in the Flood Risk Assessment. Its remaining focus is effective delivery, governance and

adaptive management through the detailed plans and the council's role in their approval, should the scheme be consented.

Overview of Primary Issues and Remaining Areas of Concern

10.5. The principal matters for the ExA and Secretary of State in the council's opinion are now matters of detailed delivery and control, rather than fundamental disagreement with the hydrological assessment:

- Detailed design and field-specific controls. The final layout, panel configuration, construction phasing and drainage design must preserve exceedance routes, overland-flow pathways, drainage connectivity, watercourse corridors and maintenance access, with local source-control or SuDS measures incorporated where justified. See 8.2 SoCG section 3.7, particularly 3.7.5 to 3.7.7, 3.7.12 and 3.7.17 [final version as submitted at Deadline 8].
- Construction and handover. The detailed CEMP and Water Management Plan must define temporary drainage, runoff and sediment controls, water-quality monitoring, inspection, maintenance, incident response and corrective action. Handover into the operational regime must retain oversight of any residual issues involving soil condition, vegetation establishment, erosion, drainage or runoff pathways. See 8.2 SoCG sections 3.7.16, 3.7.24 and 3.7.25 [final version as submitted at Deadline 8].
- Vegetation and soil performance. The detailed LEMP, OEMP and SRMP must address vegetation-establishment failure, bare ground, panel drip-line erosion, runoff concentration, ponding and compaction. Wiltshire Council notes the Applicant's proposed 20% bare-ground trigger but considers that the technical basis for selecting this threshold has not been clearly demonstrated. The detailed LEMP should define the assessment methodology, the basis for any vegetation-condition trigger, how condition will be assessed and recorded, and the circumstances in which intervention may be required. See 8.2 SoCG sections 3.7.21 to 3.7.23 [final version as submitted at Deadline 8].
- Monitoring and adaptive management. The detailed plans must identify hydrologically sensitive, representative and higher-risk locations; define proportionate performance indicators and intervention criteria; require root-cause investigation; record actions and outcomes; and provide for corrective action and transition to a longer-term risk-based regime. See 8.2 SoCG section 3.7.25 [final version as submitted at Deadline 8].
- Runoff-management and NFM opportunities. The council is not seeking a specified downstream betterment outcome or additional Scheme-wide hydraulic modelling. The detailed DCO- approved plans, if consented, should identify the runoff-management, source-control, Natural Flood Management, landscape-management and SuDS measures

incorporated, where relevant, to maintain the flood-risk and drainage outcomes relied upon by the assessment. See 8.2 SoCG sections 3.7.17 and 3.7.19 [final version as submitted at Deadline 8].

- 10.6. Subject to these matters being secured and delivered through the detailed approval process, the council considers the remaining hydrological risks can be managed appropriately and proportionately.

Draft Development Consent Order

- 10.7. The council considers that the Draft DCO now provides a broadly acceptable framework for flood risk, drainage and water-environment controls, subject to the final drafting continuing to secure the preparation, approval and implementation of the detailed CEMP, Water Management Plan, OEMP, SRMP, LEMP, EPMS and Drainage Strategies.
- 10.8. The council supports the agreed Article 17 amendments clarifying the relationship between discharge powers and the approval process in Part 9 of Schedule 15. The Draft DCO must also remain clear that separate statutory consents and permits, including Ordinary Watercourse Consent and Environmental Permits, are not removed or disapplied where applicable. See 8.2 SoCG section 3.7.26 [final version as submitted at Deadline 8].
- 10.9. Where detailed design includes works affecting ordinary watercourses, Wiltshire Council considers that additional assurance would be provided through documented justification for any new culvert, independent review by a suitably experienced Chartered Engineer with relevant drainage, hydraulic or watercourse expertise, and completion records supported by appropriate as-built information, photographs and condition records. The council considers these matters should be addressed through the detailed drainage and management plans and associated approval processes.
- 10.10. Early engagement with Wiltshire Council as LLFA should continue before submission of flood-risk and drainage-related Requirement discharge applications. See 8.2 SoCG section 3.7.18 [final version as submitted at Deadline 8].

Outline Management Plans / Control Documents

- 10.11. The outline plans now provide an acceptable framework, subject to the following requirements being carried into the detailed documents:
- The detailed CEMP and Water Management Plan must identify site-specific construction risks, temporary drainage and cross-drainage measures, monitoring locations and parameters, trigger levels, inspection frequencies, maintenance responsibilities, flood-response arrangements and corrective actions.
 - The detailed OEMP must provide the operational inspection, maintenance, reporting and adaptive-management framework for

drainage assets, runoff pathways, soil condition, vegetation performance, erosion and ponding.

- The detailed SRMP must define responsibilities and auditable procedures for soil handling, compaction inspection, targeted investigation, remediation, post-remediation review and handover. The Outline SRMP is acceptable provided the detailed plan includes the soil balance, disturbed areas, stockpile arrangements and clear monitoring and closure records [[REP7-079](#)].
- The detailed LEMP must explain the assessment and recording methodology for vegetation condition, the basis and application of the 20% bare-ground management trigger, and the circumstances requiring earlier intervention where bare ground, erosion or runoff connectivity creates a hydrological risk [[REP7-081](#)].
- The detailed plans must operate as a coordinated suite. Table 3-5 of the Mitigation Route Map should remain the consolidated audit trail linking hydrological risks, mitigation, monitoring and securing mechanisms [[REP7-109](#)].
- The strengthened Outline CEMP provisions for temporary drainage, flood-risk areas, agricultural drainage, groundwater monitoring, pollution prevention and corrective action should be retained in the detailed CEMP [[REP7-073](#)].

10.12. The council should remain engaged through the detailed-plan approval process, should consent be granted, so that field-specific requirements can be agreed once the final layout, construction sequence, ground conditions and drainage characteristics are known.

Other Matters

10.13. The council's final drainage position is therefore one of qualified acceptance. No separate hydrological verification document is required, provided the DCO-secured detailed plans collectively deliver the controls described above and preserve the council's approval and enforcement role.

10.14. For clarity, this statement is confined to hydrology, flood risk, drainage, soils and vegetation insofar as they affect hydrological performance. It should be read with Section 3.7 of the 8.2 Statement of Common Ground with Wiltshire Council (Revision 6) [final version as submitted at Deadline 8] and the final Deadline 7 versions of the relevant control documents.

11. Economy

Overall Position

- 11.1. Wiltshire Council still have significant concerns about the negative economic impact this proposal could have in the local area to the scheme, including the cable route, on certain sectors of the local economy, whilst appreciating it will benefit local landowners and the UK economy. Whilst the council appreciates the mitigation measures the Applicant is proposing, the council considers additional mitigation is required in order for concerns to be overcome. The council's main concern is during the construction, replenishment and decommissioning phases of the scheme, although not exclusive to this period.
- 11.2. The Applicant contends that should this scheme progress, there will be a net benefit to the area within 20km of the scheme of 181 jobs filled by residents from within the area working in construction, and an increase in GVA of £25m. This takes into account the loss of 50 jobs in the tourism sector and a reduction in GVA from tourism of £1.76m a year for the two years of construction, and the 20 jobs lost in agriculture. During the operational phase, the Applicant asserts that there will be a further 11 jobs lost in tourism per annum, with four jobs created by the scheme. This is as stated within the Applicant's 6.1 ES Vol 1, Chapter 16, Socio-Economics, Tourism and Recreation (Rev 2) [\[REP7-017\]](#).
- 11.3. With unemployment in Wiltshire at 2.8% compared with the national figure of 4%, and strong demand for construction workers within the county, the council considers that it is unlikely that the Applicant's assertion that they will employ 181 people locally will be achieved. Wiltshire Council welcomes the Applicant's agreement to work with us to find local companies for their supply chain, and the offer to help suitable companies navigate the procurement processes. However, analysis by Stop Lime Down confirms the council's view that there are very few companies within the 20km zone that would be able to become part of the supply chain.
- 11.4. Since the completion of the Local Impact Report [\[REP1-137\]](#), the council has become more concerned about the impact of the scheme on businesses within 5km of the proposed scheme, particularly in the hospitality and equine sectors. As a result of a request from the council, with support from the ExA, the Applicant produced a report on the equine sector in August 2026 (9.62 Equine Business Report [\[REP5-105\]](#)). This identified sixteen livery yards and eleven stud farms, with an unknown number of private horse owners, although they did identify sixteen. These businesses employ up to 340 FTE jobs and contribute up to £11m GVA. The wider supply chain for these businesses support up to 750 jobs and up to £35m GVA within 20km of the scheme. The Applicant contends that the mitigation measures being proposed will ensure these businesses are not impacted. However, the business owners are not convinced, as they would rely on horse owners having confidence that they are placing their expensive horses in a safe environment. The business operators and the council are not convinced this will be the case during the construction and / or decommissioning phases.

- 11.5. The loss of a number of these businesses will have a severe negative effect on the local economy and this is not reflected in the figures above. The council are already aware of one livery yard that will have to relocate all their horses while the cable goes through the centre of the farm, with compensation discussions ongoing. There are also concerns that it will be harder for equine businesses to obtain insurance, and for the safety of all road users and in particular horse riders during construction / decommissioning.
- 11.6. To address the potential negative economic impact, the council considers that the Applicant should implement a business compensation scheme for businesses that can show at least a 30% drop in income year on year for business within 5km of the scheme.

Overview of Primary Issues and Remaining Areas of Concern

- 11.7. The council initially raised the requirement for a comprehensive business compensation scheme at Deadline 2 [[REP2-048](#)] and in numerous other submissions during the course of the examination, including all versions of the Statement of Common Ground [[REP2-025](#), [REP4-062](#), [REP5-088](#), [REP6-046](#) and [REP7-094](#)].
- 11.8. Following experience of how successful such schemes can be in helping to ensure viable businesses are able to continue trading despite an unexpected short term economic shock, the council proposed a business compensation scheme that would give businesses confidence to plan ahead knowing they would be able to continue trading. The council initially suggested that this should be eligible for businesses that could show a 10% reduction in income, but following discussions with the Applicant, this was changed to 30% with the request that this should be in place for all periods of construction / decommissioning and for one subsequent year afterwards. Since then, the Applicant has maintained that such a scheme was not necessary and without precedent. At the ISH8 hearing, the ExA listed a number of major projects where such a scheme was instigated and asked the Applicant to look into these and provide a response (Action Point 20). The Applicant's response indicated that they did not consider either the Sizewell C or Lower Thames Crossing examples cited to be comparable to what the council was seeking for LDSP [[REP7-125](#)].
- 11.9. The council considers that the Business Compensation scheme would help hospitality businesses within the 5km zone, for example Grittleton House or The Angel at Sherston, along with sites of community value for example village halls. The council are concerned that should the profitability of Grittleton House fall or the business become unviable then the building will not get the maintenance it requires and fall into disrepair. As a heritage asset this needs to be addressed [[REP3-174](#)].
- 11.10. Additionally, to help inform projects of this type and scale, Wiltshire Council have requested the Applicant to conduct business surveys throughout the scheme, which could be used in evidence for future schemes [[REP2-025](#)]. The council is extremely disappointed that this has been resisted by the Applicant.

11.11. Furthermore, Wiltshire Council are still concerned for the safety of all road users during the construction, replenishment and deconstruction phases, with a particular concern for horse riders. Estimates for the number of HGV journeys during these phases vary from 104 – 171 per day, placing a considerable strain on the local highways network. However, the council welcomes the Applicant's agreement to install cameras in all vehicles associated with the scheme to ensure drivers are following the training they have received and to also assist to prevent any vexatious claims.

Draft Development Consent Order

11.12. The council is not seeking any amendments to the dDCO from a socio-economic technical perspective.

Outline Management Plans / Control Documents

11.13. The council considers that the full suite of mitigation measures, including those proposed in 6.1 ES Vol 1, Chapter 16, Socio-Economics, Tourism and Recreation (Rev 2) [\[REP7-017\]](#), should be adopted and included within the management plans and associated mitigation route map.

11.14. A business compensation scheme needs to be agreed and adopted as a matter of urgency. The council considers that this should be included within the 7.12 Outline Construction Environmental Management Plan (Rev 8) [\[REP7-073\]](#), 7.13 Outline Operational Environmental Management (Rev 8) [\[REP7-075\]](#) and 7.14 Outline Decommissioning Strategy (Rev 6) [\[REP7-077\]](#) or in the 7.20 Outline Skills Supply Chain and Employment Plan (Rev 3) [\[REP3-104\]](#).

11.15. Furthermore, an agreed mechanism to conduct business surveys on businesses within 5km of the scheme should be included within the control documents. This should take place during all phases of intense activity at the site and, less frequently, during operational phases.

12. Soils and Agriculture

Overall Position

12.1. Whilst the loss of 878ha of agricultural land and the subsequent impact on the UK's food security remains a concern, the council acknowledges that this needs to be weighed against the benefits of the provision of renewable energy. The council also accepts that there may be some biodiversity net gain over the lifetime of the project, when compared with the current agricultural practices.

12.2. Whilst the council maintains that this proposed scheme is too large and in the wrong location, following engagement between the Applicant and Wiltshire Council officers, the council welcomes to the additions to the 7.15 Outline Soil Resources Management Plan (Rev 4) [\[REP5-077\]](#) regarding monitoring

procedures and remediation of soil compaction. Provided the plan is implemented correctly, particularly during periods when the soil is wet to work on, the council does not have any further outstanding matters, with the exception of the soil storage concerns highlighted in the Landscape and Visual section above.

13. Public Protection

Overall Position

Noise and Vibration Impact at Residential Receptors

- 13.1. Wiltshire Council's principal concern throughout the Examination has been to ensure that operational noise from the Battery Energy Storage System (BESS), substations, inverters and associated electrical infrastructure does not adversely affect residential amenity and that robust controls are secured in respect of both construction and operational noise.
- 13.2. Wiltshire Council engaged extensively with the Applicant regarding the assessment methodology, baseline monitoring, operational noise criteria and the adequacy of mitigation measures contained within the Draft Development Consent Order and associated management plans. This resulted in several amendments being secured through updates to the 7.12 Outline Construction Environmental Management Plan [\[REP7-073\]](#) and 7.13 Outline Operational Environmental Management Plan [\[REP7-075\]](#).
- 13.3. Wiltshire Council sought a number of specific amendments to the Outline Construction Environmental Management Plan [\[REP7-073\]](#) to ensure that construction noise impacts on nearby residents would be appropriately managed.
- 13.4. Wiltshire Council requested that residents on Silver Street receive advance notification of nearby construction activities and that firm commitments be secured for acoustic fencing at HDD locations where significant noise effects could occur. These matters were subsequently addressed through revisions to the Outline Construction Environmental Management Plan [\[REP7-073\]](#).
- 13.5. The revised Outline Construction Environmental Management Plan [\[REP7-073\]](#) requires temporary acoustic fencing at HDD locations where above-SOAEL construction noise impacts are predicted and includes improved communication arrangements for affected residents. Wiltshire Council welcomed these changes and considered them sufficient to protect residential amenity during construction.
- 13.6. For operational noise impacts, the council's position is that development should be designed to achieve a rating level of 5dB (LAeq) below the representative background (LA90) level at the nearest noise sensitive location. Where this cannot be achieved, the various noise control measures considered as part of the assessment should be fully explained, including relocation of noise sources,

use of quieter equipment, acoustic enclosures, screening and operational restrictions, with the achievable noise level clearly identified.

- 13.7. The council accepts that the Applicant has adopted recognised assessment methodologies and that the operational noise assessment demonstrates that the predicted rating level at all receptors resulting from the final scheme design will be less than 5dB above the representative background sound level and therefore below the Significant Observed Adverse Effect Level (SOAEL). This is reflected within the Applicant's revised noise assessment (6.1 ES Vol 1, Chapter 14, Noise and Vibration (Rev 3) [\[REP5-024\]](#) and associated commitments secured through the Outline Operational Environmental Management Plan [\[REP7-075\]](#).
- 13.8. The Applicant has committed through the Outline Operational Environmental Management Plan [\[REP7-075\]](#) that operational noise at sensitive receptors will be no higher than the levels presented within the Environmental Statement. The Applicant will be required to remodel operational noise using the final design and demonstrate that the completed scheme would not result in significant operational noise effects. The results of that assessment, together with the final mitigation measures, will be submitted to the relevant planning authority.
- 13.9. The Outline Operational Environmental Management Plan [\[REP7-075\]](#) also secures annual monitoring and maintenance requirements, including a plan showing the locations of monitoring around the central BESS area together with maximum noise thresholds, submission of monitoring reports to the local planning authority, investigation of complaints and implementation of corrective action where required. These provisions provide a mechanism to ensure that operational noise remains within the levels assessed during the Examination.
- 13.10. Wiltshire Council notes that concerns regarding the adequacy of noise controls have been substantially addressed through amendments agreed during the Examination. The Council confirmed within the Statement of Common Ground with Wiltshire Council [\[REP7-093\]](#) that the updated Outline Construction Environmental Management Plan [\[REP7-073\]](#) and Outline Operational Environmental Management Plan [\[REP7-075\]](#) provide sufficient protection for residential amenity.
- 13.11. Accordingly, Wiltshire Council considers that construction and operational noise impacts can be appropriately controlled through the measures secured within the DCO and associated management plans.
- 13.12. Overall, Wiltshire Council considers the residual impact from noise and vibration to be neutral and is satisfied that this matter has been resolved.

Glint and Glare Impact at Residential Receptors

- 13.13. Wiltshire Council's concerns regarding glint and glare have focused on the potential effects upon residential receptors within the vicinity of the proposed development.

- 13.14. The council requested additional clarification regarding the assumptions underpinning the proposed mitigation strategy, particularly the reliance on vegetation growth to screen solar reflections and reduce impacts at sensitive receptors as recorded within the Statement of Common Ground with Wiltshire Council [[REP7-093](#)].
- 13.15. The Applicant provided additional information during the Examination explaining the assumptions regarding vegetation growth, future screening and operational mitigation measures. Wiltshire Council accepted that the Applicant has demonstrated how the proposed mitigation would reduce or remove glint and glare impacts at relevant receptors as set out within the Statement of Common Ground with Wiltshire Council [[REP7-093](#)].
- 13.16. Wiltshire Council notes that, once proposed landscape mitigation has matured, solar reflections at the affected residential receptor would no longer be both geometrically possible and visible. The council therefore accepts the Applicant's conclusions regarding the effectiveness of the proposed mitigation as recorded within the Statement of Common Ground with Wiltshire Council [[REP7-093](#)].
- 13.17. The council further notes that the management and maintenance of mitigation planting is secured through the 7.18 Outline Landscape and Ecological Management Plan [[REP7-081](#)] and associated DCO requirements.
- 13.18. Accordingly, Wiltshire Council considers that glint and glare impacts can be satisfactorily mitigated through the measures secured within the DCO.
- 13.19. Overall, Wiltshire Council considers the impact of glint and glare to be neutral and the issue resolved.

Air Quality and Dust Impacts at Residential Receptors

- 13.20. Wiltshire Council's concerns regarding air quality have focused primarily on the control of construction dust, emissions arising from construction traffic and the management of air quality impacts associated with Battery Energy Storage System incidents.
- 13.21. During pre-application consultation and throughout the Examination, the council sought assurance that robust and enforceable mitigation measures would be secured through the 7.12 Outline Construction Environmental Management Plan [[REP7-073](#)] and associated management documents.
- 13.22. The Applicant's assessment concluded that construction impacts could be effectively controlled through implementation of recognised dust suppression measures, construction traffic controls, monitoring procedures and complaint management measures.
- 13.23. Wiltshire Council reviewed the assessment methodology and mitigation proposals and did not identify any fundamental deficiencies in the air quality

assessment. The council considers that the proposed mitigation measures secured through the Outline Construction Environmental Management Plan [REP7-073], Outline Operational Environmental Management Plan [REP7-075] and Outline Decommissioning Strategy [REP7-077] are capable of controlling unacceptable air quality impacts during construction and decommissioning.

13.24. No significant operational air quality impacts have been identified.

13.25. Overall, Wiltshire Council considers that air quality and construction dust impacts can be adequately managed and controlled. The impacts are therefore neutral.

Battery Fire Safety and Contamination Impacts

13.26. The council welcomes the requirement for a detailed Battery Safety Management Plan to be approved by key stakeholders such as the Environment Agency and Dorset and Wiltshire Rescue Services prior to operation of the battery storage facility and notes that the 7.21 Outline Battery Safety Management Plan [REP7-085] secures a range of mitigation and emergency response measures.

13.27. Wiltshire Council is satisfied that contamination and battery fire risks can be appropriately controlled through the measures secured within the DCO and associated management plans.

13.28. Overall, Wiltshire Council considers the residual impact from battery fire safety and contamination to be neutral.

14. Public Health

Overall Position

14.1. As stated in the Local Impact Report [REP1-137], the proposed development raises notable concerns for public health and community wellbeing. The most significant issue continues to be the potential impact on community identity and culture, which could lead to frustration, stress, anxiety, and associated mental health challenges for residents. These risks are particularly linked to poor community engagement during the construction phase, with similar concerns persisting through operational and decommissioning stages. The negative effects on mental health and social cohesion are still considered material and significant. The formation of an effective Community Liaison Group, with appropriate Terms of Reference, will be key to managing these effects.

14.2. Public Health has engaged constructively with the Applicant on Human Health throughout the application process. As recorded in the SoCG (to be submitted at Deadline 8), Section 3.14, the matters specific to this topic are largely agreed with the exception of the timeframe that the CLG will be in operation. The Applicant maintains that a 1-year period post commissioning is sufficient with the council and Public Health both recommending 5 years.

- 14.3. In terms of mitigation, Public Health welcomes the creation of the Community Liaison Group (CLG) via the draft DCO and associated draft Terms of Reference and is broadly satisfied with progress to date. However, the CLG effectiveness will depend on the DCO and other Controlled Documents securing clear, measurable and enforceable requirements for community engagement, reporting, action tracking and accountability. The final Terms of Reference should support the safeguarding of community identity, resilience and wellbeing throughout the construction, operational and decommissioning phases of the scheme. As such, the council is seeking further amendments to the Outline Terms of Reference to be secured under the DCO. The council is requesting that should the Secretary of State grant consent for the scheme, the Errata Statement included within Appendix A to this submission, is certified as part of the Outline Terms of Reference for the Community Liaison Group.
- 14.4. It should be acknowledged that Health and wellbeing is a cross-cutting outcome that is shaped by effects assessed under several other topics, including landscape and visual amenity, Public Rights of Way and Active Travel, Transport, socio-economics and social value, and the effects of construction on amenity. The council's position on those topics is set out elsewhere and fully supported by Public Health.

Overview of Primary Issues and Remaining Areas of Concern

Outline Terms of Reference and Establishment of the Community Liaison Group

- 14.5. Public Health is mindful that, if development consent is granted, meaningful engagement through the CLG is unlikely to be immediate. Although the CLG is required to be established before development commences, the community's need for effective two-way communication is likely to be particularly high during the period between the decision being made and the start of construction activities. The Applicant agreed to provide draft Outline Terms of Reference during the examination, bringing the drafting process forward and enabling Public Health, Communications and Socio-Economic colleagues to provide feedback. However, the documents have not yet been finalised to the council's satisfaction, and it is not anticipated that any further substantive discussion on their content will take place before the close of the examination. Public Health is broadly satisfied with progress to date and supports the timely establishment of the Community Liaison Group (CLG), subject to the strengthening of the KPIs and wellbeing measures outlined below.
- 14.6. While the CLG and associated Terms of Reference are welcomed, the CLG is primarily advisory in nature and does not itself provide mitigation. The effectiveness of the arrangement is therefore dependent on the DCO and other Controlled Documents securing clear, measurable and enforceable obligations relating to community engagement, reporting, action tracking, response times and accountability. The final Terms of Reference should support the delivery of the wider public health objective of safeguarding community identity, resilience and wellbeing throughout the construction, operational and decommissioning phases of the scheme.

- 14.7. As such, the council is seeking further amendments to the Outline Terms of Reference to be certified under the DCO should consent be granted. The council is requesting that should the Secretary of State grant consent for the scheme, the Errata Statement included within Appendix A to this submission, is certified as part of the Outline Terms of Reference for the Community Liaison Group.

Draft Development Consent Order

- 14.8. As per the council's position, Public Health maintains that the CLG should be established pre-construction to enable the CLG to input into the detailed design and requirement discharge process. Furthermore, it should operate during pre-construction, construction and for a period of 5 years during operation, subject to annual review and agreement of participants. The CLG should be re-established in advance of replacement and decommissioning activities.
- 14.9. Given the extent of the scheme and the uncertainty regarding its long-term effects on local communities, including factors such as rurality, seasonality and the way impacts may evolve over time, a five-year operational Community Liaison Group (CLG) is considered a proportionate and precautionary approach. The impacts of Lime Down Solar Park will not be confined to the construction period. Many of the issues identified by residents and Wiltshire Council, including impacts on community identity, social cohesion, amenity, traffic, landscape change, mental wellbeing and confidence in mitigation measures, are likely to continue into the operational phase. A CLG that ceases shortly after commissioning risks creating a gap in accountability at the point when communities begin to experience the long-term reality of the development.
- 14.10. A five-year period would provide sufficient opportunity to monitor operational impacts, review the effectiveness of mitigation measures, oversee the establishment and maturation of landscape and environmental mitigation, and provide a structured mechanism for identifying and addressing emerging concerns. It would also support the rebuilding of trust and resilience within affected communities and ensure continued transparency as the scheme transitions from construction to full operation.
- 14.11. The drafting proposed by the council, namely that the CLG should continue for five years during operation "*subject to any resolution from the CLG to curtail its operation*", provides an appropriate and flexible safeguard. This allows the group to conclude earlier should members collectively agree that its objectives have been fulfilled, while ensuring that a robust engagement mechanism remains in place for as long as it is needed. As such, a five-year CLG represents a reasonable and proportionate balance between community accountability and practical operation of the scheme.
- 14.12. The council considers that Requirement 4 should be amended to state:

“Community Liaison Group

4.—(1) *Prior to the undertaker submitting any written plan, scheme, details, strategy, or amendments to the relevant planning authority under any requirement of Schedule 2, a community liaison group must be established with an approved terms of reference.*

(2) The terms of reference must be submitted to and approved by the relevant planning authority.

(3) The terms of reference must be substantially in accordance with the outline terms of reference.

(4) The community liaison group must be administered by the undertaker and operated in accordance with the approved terms of reference.

(5) The community liaison group will be in operation for five years following final commissioning of the authorised development (subject to any resolution of the community liaison group to curtail its period of operation), during peak replacement activities and at the decommissioning stage.

(6) Notwithstanding (1), the undertaker may submit any written plan, scheme, details, strategy, or amendment to the relevant planning authority under any requirement of Schedule 2, where the making of that submission is agreed with the relevant planning authority.”

14.13. This revised drafting has been jointly agreed with SLD.

Outline Management Plans / Control Documents

14.14. Wiltshire Council consider the Outline Terms of Reference allows for future conversations to be developed. The detailed final agreement of the CLG Terms of Reference and provision of a Community Liaison Strategy can be undertaken post-consent (or without prejudice to consent being given) and in coordination with the prospective members of the Community Liaison Group.

14.15. However, as noted within its response to ISH7 Action Point 2 [\[REP7-135\]](#), Public Health were disappointed that the Applicant had removed the wording captured in the council’s SoCG relating to the provision of “*ongoing wellbeing support through signposting to relevant wellbeing services and resources, consideration of community wellbeing impacts in project communications, and period review through the CLG of emerging wellbeing concerns and mitigation measures*” at paragraph 1.4.4 Undertaker (e). Similarly, the council was disappointed that there is no explicit reference to the Stakeholder Communication Plan having suitable KPIs. The council considers that these should be strengthened in the detailed ToR and Stakeholder Communication Plan.

14.16. The council’s response to ISH7 Action Point 2 [\[REP7-135\]](#) also identified a number of amendments which were still required to the Outline Terms of Reference for the Community Liaison Group. These included (please note paragraph references have been updated to reflect the 9.91 Outline Terms of

Reference for the Community Liaison Group [[REP7-133](#)] submitted by the Applicant at Deadline 7):

- The wording relating to the maintenance of an action log in paragraphs 1.2.3(g) and 1.4.4 Undertaker (d) should be amended to refer to “*a log*” rather than “*an action log*”;
- The Chair should be appointed, removed or replaced by agreement of the host local authorities and the Undertaker. (Paragraph 1.4.4);
- The Chair should be involved in the process for redacting commercially sensitive information from the meeting minutes (Paragraph 1.5.1);
- The sub-groups should “*Be chaired by the Chair (or someone appointed by the Chair)*” in Appendix B, Governance and Reporting (b);
- The CLG should be engaged on the detailed management plans and control documents prior to discharge (Paragraph 1.1.2 and Paragraph 1.1.4); and
- The CLG should operate during pre-construction, construction, for 5-years following final commissioning of the scheme (subject to any resolution from the CLG to curtail its operation) and during peak replacement activities. It should also be re-established for the decommissioning stage. (Paragraph 1.1.1, Paragraph 1.1.3 c, Paragraph 1.2.4 and Paragraph 1.5.2).

14.17. Additionally, the council considers that Paragraph 1.3.3 a. should refer to “*Relevant representatives*” rather than “*Relevant elected representatives*”.

14.18. Therefore, the council is requesting that should the Secretary of State grant consent for the scheme, the Errata Statement included within Appendix A to this submission, is certified as part of the Outline Terms of Reference for the Community Liaison Group.

14.19. The Errata Statement as contained within Appendix A has been jointly agreed with SLD.

15. Climate Change

Overall Position

15.1. In relation to greenhouse gas reduction, the council’s remaining concerns focus on the treatment of emissions and the robustness of mitigation. In addition, the council remains concerned about whether the location is strategically justified.

15.2. Wiltshire Council welcomes the additional greenhouse gas mitigation measures secured through the outline Management Plans, including commitments relating to low-emission vehicles, rainwater collection where appropriate, and

procurement processes to address supply chain emissions. The council stresses that procurement and contractor management are likely to be the most effective mechanisms for reducing the Scheme's overall emissions, particularly given the significance of supply chain emissions.

- 15.3. However, the current commitments remain high level and do not provide sufficient certainty regarding how emissions reductions will be achieved, monitored or enforced in practice. The detailed Management Plans should therefore include clear carbon reduction objectives, measurable targets, procurement standards, decision-making processes for materials, equipment and suppliers, and robust monitoring and reporting arrangements. Reliance on the future Operator's own policies and procedures is not considered sufficient, as these are currently unknown.
- 15.4. The Environmental Statement identifies the principal sources of the Scheme's greenhouse gas emissions and should be used to guide mitigation efforts towards the areas offering the greatest potential for emissions reduction. While the assessment does not explicitly conclude that emissions should be mitigated in proportion to their scale, the evidence it provides should form the basis for detailed carbon reduction measures and ongoing emissions management throughout the life of the Scheme.

Overview of Primary Issues and Remaining Areas of Concern

- 15.5. The council's primary issues include:

Strategic Justification for this Location

- 15.6. Whilst the need for large renewable infrastructure projects is established through national policy, the location in Wiltshire is not established as a strategic location. In the absence of the emerging Strategic Spatial Energy Plan, it is not clear whether the Scheme is an efficient use of emissions in the context of the 4th and 5th carbon budget, and whether the location in Wiltshire is part of a coherent, strategic plan towards grid decarbonisation and the energy transition. Given the significant environmental, social and economic impacts, it still seems important to show that the benefits of the development at this particular location outweigh the negative impacts.

Greenhouse Gas Emissions

- 15.7. In relation to greenhouse gas emissions, the council has highlighted the need for transparency in terms of the significant amount of emissions that would be produced by the scheme, particularly during construction. The Applicant has amended 6.1 Environmental Statement Vol 1, Chapter 7 'Climate Change' (Rev 3) [\[REP7-019\]](#) to make it clearer and more transparent in this regard. The council requested a clear statement of emissions and net benefit, to help inform decision-making, and mitigation of greenhouse gas emissions. Whilst there is greater clarity regarding national carbon budgets, the need for renewable energy and the role of the scheme in decarbonisation, the reality of the Scheme's emissions, as a large construction project, should be explicitly

recognised instead of simply implying that they are offset by the overall decarbonisation benefit.

- 15.8. Without this clear message, the Environmental Statement fails to identify the substantial greenhouse gas emissions and to discuss appropriate mitigation measures. The fact that the outline management plans go on to include mitigation seems to be incidental, as a result of ongoing work by the Applicant and discussion between the Applicant and Wiltshire Council, rather than through issues highlighted in the Environmental Statement, as they identify more mitigation measures than would seemingly relate to those suggested in the Environmental Statement (Table 7-34 and table 7-35). These tables imply that the greenhouse gases emitted by the Scheme will largely be mitigated through offsetting through the overall benefits of the Scheme. It fails to make it clear that the 165,302 - 195,992 tonnes CO₂e per year (for the 2 years of construction) and then 14,677 tonnes per year for each year of the 60-year operational life should be acknowledged and mitigated through avoidance or mitigation measures. Since a large proportion of these emissions are attributed to embodied carbon within the supply chain and transportation, a key way to mitigate this is through the procurement process.
- 15.9. As the final documents stand at Deadline 7, Wiltshire Council maintains that the Environmental Statement, though clearer in terms of impact of emissions and context, still does not make the clear conclusion that greenhouse gas emissions are substantial and must be mitigated as much as possible.

Greenhouse Gas Emissions Mitigation

- 15.10. The Applicant has incorporated a range of greenhouse gas mitigation measures within the outline Management Plans, through discussion with the council, including commitments relating to low-emission vehicles, rainwater collection where appropriate, and the use of procurement processes to address supply chain emissions, which are expected to represent the largest proportion of the Scheme's overall emissions. Wiltshire Council broadly supports this approach and recognises procurement and contractor management as key mechanisms for reducing emissions. However, the outline plans remain high level and do not provide sufficient detail on how these measures will be implemented, monitored, or assured in practice. The detailed Management Plans should therefore set out specific carbon reduction objectives, targets, procurement standards and decision-making processes for materials, equipment and suppliers, together with clear monitoring and reporting arrangements. Reliance on the future Operator's own carbon, environmental, social and ethical business policies is not considered sufficient, as these are currently unknown and do not provide the level of certainty required that emissions reductions will be delivered.
- 15.11. The Environmental Statement identifies the principal sources of greenhouse gas emissions associated with the Scheme, including the materials, activities and operational processes that contribute most significantly to its carbon footprint. This evidence should be used to inform the Management Plans, helping to focus mitigation efforts on the areas where the greatest emissions

reductions can be achieved. The Management Plans should therefore clearly reference the findings of the Environmental Statement and explain how they have been used to shape mitigation measures.

15.12. However, the Environmental Statement does not explicitly conclude that the assessed greenhouse gas emissions require mitigation in proportion to their scale and significance. As a result, it does not provide a clear framework for emissions reduction. Nevertheless, the emissions data and analysis contained within the assessment remain valuable and should be used to inform detailed carbon reduction measures, targets and monitoring arrangements within the Management Plans.

Draft Development Consent Order

15.13. The council is not seeking any amendments to the dDCO from a climate change technical perspective.

Outline Management Plans / Control Documents

15.14. The Management Plans have taken on board comments in relation to mitigation of climate impacts and greenhouse gas emissions. However, the council considers that there could be further clarity, noting that the ExA had also asked for more detail and assurance in relation to the sustainable procurement process.

15.15. The council remains concerned that:

- Many commitments remain high-level.
- Supply chain emissions and the procurement process are a key area of mitigation. At the moment, there are no detailed procurement standards or carbon performance requirements yet specified.
- The future operator is unknown, and the operator's future carbon policies are not defined. Therefore, reliance on the 'Operator's relevant policies and procedures relating to carbon emissions, environmental, social and ethical business practices' cannot provide the assurance and certainty that is required.

15.16. The council therefore expects:

- Substantially more detailed requirements in the final management plans.
- Clearer procurement and supply-chain standards, and targets where possible, linked to the key emissions sources identified in the Environmental Statement.
- Stronger mechanisms for demonstrating actual carbon reductions in practice.

- Equivalent and relevant procurement-related amendments should be included in the Outline Construction Environmental Management Plan (CEMP) [\[REP7-073\]](#) and Outline Decommissioning Strategy [\[REP7-077\]](#) as well as the Outline Operational Environmental Management Plan (OEMP) [\[REP7-075\]](#) in their final detailed versions.

Other Matters

15.17. Section 2.2.7 of the outline Operational Environmental Management Plan [\[REP7-075\]](#) states that an Innovation Forum will be adopted during the operational phase of the Scheme, to focus on adopting the merging best practices and technological advances during the Scheme life. The structure and frequency of the meetings would be provided in the detailed OEMP. Wiltshire Council seeks assurance that the detailed discussions that have already taken place between the Applicant and the council about arrangements for the Innovation Forum will be brought forward as the Terms of Reference for the Community Liaison Group are further developed. The council welcomes the inclusion of the Innovation Forum as one of the proposed sub-groups under the CLG, as contained within Annex B, Structure of the CLG and use of sub-groups of the 9.91 Outline Terms of Reference for the Community Liaison Group [\[REP7-133\]](#).

16. Other Draft Development Consent Order (DCO) Matters

16.1. In addition to the technical specific changes to the Draft Development Consent Order as identified in the above sections of the council's Closing Statement, the council maintains its previously stated position that the following additional amendments are necessary. Without prejudice to its overall position that consent should not be granted, the council requests that the ExA recommend their inclusion in the DCO for this scheme, should the Secretary of State be minded to grant consent.

Definition of Maintain

16.2. The council considers that additional clarity is required with respect to the definition of 'maintain' [\[REP7-134\]](#). The council considers that the definition should be amended to state:

"'maintain' includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace (including scheduled replacement within the parameters assessed in the environmental statement and secured by the documents certified under article 42 and the requirements) and improve any part of the authorised development and "maintenance" and "maintaining" are to be construed accordingly;"

16.3. It is the council's understanding that the Applicant will be making this change in the DCO to be submitted at Deadline 8.

Requirement 2 Commencement of the Authorised Development

- 16.4. The council considers that the phasing plan should be submitted to and approved by the local planning authority in relation to Requirement 2 [REP7-134]. There is substantial precedent for this in numerous made solar DCOs. Given the uncertainty with the two grid connection dates, the council wishes to make sure that the impacts to the community are minimised as much as possible.
- 16.5. Requirement 2 should therefore be amended to state:

“Commencement of the authorised development

2.—*(1) The authorised development must not be commenced after the expiration of the applicable period.*

(2) No part of the authorised development may commence until a written scheme setting out the phase or phases of construction of the authorised development has been submitted to and approved by the relevant planning authority.

(3) The written scheme submitted pursuant to sub-paragraph (2) must include a timetable for the construction of the phase or phases of the authorised development and a plan identifying the phasing areas.

(4) The undertaker must notify the relevant planning authority within fourteen days of the date of final commissioning for a part or parts of the authorised development that the final commissioning of that part or parts has taken place.”

Requirement 13 Construction Environmental Management Plan / Permitted Preliminary Works Environmental Management Plan

- 16.6. The council maintains its previous position [REP7-134] that the current Permitted Preliminary Works Environmental Management Plan (Rev 2) [REP7-113] should be considered an outline plan, and that the detailed Plan should be submitted to the local planning authority for approval prior to any works being undertaken. Whilst the council's preference would be for the PPWEMP to become a Requirement in its own right, it would also be possible to amend Requirement 13.
- 16.7. If the ExA were minded to introduce a new Requirement for the PPWEMP, it could state:

“Permitted Preliminary Works Environmental Management Plan

X.—*(1) No part of the permitted preliminary works may commence until a permitted preliminary works environmental management plan for that part has been submitted to and approved by the relevant planning authority.*

(2) The permitted preliminary works management plan must be substantially in accordance with the outline permitted preliminary works management plan.

(3) All permitted preliminary works associated with the authorised development must be carried out in accordance with the approved permitted preliminary works environmental management plan.”

- 16.8. Alternatively, if the preference was to amend the existing Requirement 13, then the council considers that it should be amended as follows:

“Construction Environmental Management Plan

13.—(1) *No part of the permitted preliminary works may commence until a permitted preliminary works environmental management plan for that part has been submitted to and approved by the relevant planning authority.*

(2) The permitted preliminary works environmental management plan must be substantially in accordance with the outline permitted preliminary works environmental management plan.

(3) All permitted preliminary works associated with the authorised development must be carried out in accordance with the approved permitted preliminary works environmental management plan.

(4) No part of the authorised development may commence until a construction environmental management plan for that part has been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.

(5) The construction environmental management plan must be substantially in accordance with the outline construction environmental management plan.

(6) All construction works associated with the authorised development must be carried out in accordance with the approved construction environmental management plan.”

- 16.9. If this change was to be adopted by the ExA and Secretary of State, it is acknowledged that the word “outline” should also be inserted into the name of the plan in Article 2(1) and Schedule 13, Part 1.

Schedule 16 Procedure for Discharge of Requirements

- 16.10. The council maintains its position that the timescales in Schedule 16 should be amended [[REP7-134](#)]. The period for discharge applications should be twelve weeks and not the ten weeks currently specified in 2(2). Furthermore, the council considers that the period for requesting further information should be extended to 20 working days in 3(2).

- 16.11. Schedule 16 should therefore be amended as follows:

“Applications made under requirement

2.—(2) *Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement, the relevant planning authority must give notice in writing to the undertaker of its decision on the application within a period of twelve weeks beginning with the later of—*

(a) the day immediately following that on which the application is received by the authority;

(b) the day immediately following that on which the further information has been supplied by the undertaker under paragraph 3; or

(c) such longer period that is agreed in writing by the undertaker and the relevant planning authority.”

“Further information and consultation

3.—*(2) In the event that the relevant planning authority considers such further information to be necessary and the provision governing or requiring the application does not specify that consultation with a requirement consultee is required, the relevant planning authority must, within 20 working days of receipt of the application, notify the undertaker in writing specifying the further information required.”*

16.12. Furthermore, as set out in [\[REP7-134\]](#), the council maintains that the following wording should be included against each numerical charge within clause 5 (2) to state: “or the fees applicable at the time of application”. This is due to the extended period in which applications for discharge will be made given the scheme’s stated operational life of 60 years.

16.13. Schedule 16 should therefore be amended as follows:

“Fees

5.—*(2) The fee payable for each application under sub-paragraph (1) is as follows—*

(a) a fee of £2,535, or the fees applicable at the time of application, for the first application for the discharge of each of the requirements [TBC];

(b) a fee of £578, or the fees applicable at the time of application, for each subsequent application for the discharge of each of the requirements listed in paragraph (a) and any application under requirement [TBC] in respect of the requirements listed in paragraph (a);

(c) a fee of £145, or the fees applicable at the time of application, for any application for the discharge of—

(i) any other requirements not listed in paragraph (a);

(ii) any application under requirement [TBC] in respect of requirements not listed in paragraph (a); and

(iii) any approval required by a document referred to by any requirement or a document approved pursuant to any requirement; and

(d) the fee applicable at the time the application for the discharge of requirement 20 is made for ‘the carrying out of any operations not coming within any of the above categories’ listed as item 11(2) of the table in Part 2

(Scale of Fees) of Schedule 1 to the Town and County Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 for the application for the discharge of requirement 20.”

17. Conclusion

- 17.1. As the primary Host Authority for the scheme, the council has actively engaged in the examination of the Lime Down Solar Park proposed development. It submitted a comprehensive Relevant Representation [\[RR-4934\]](#), Written Representation [\[REP1-138\]](#) and Local Impact Report [\[REP1-137\]](#), which identified the council's concerns and assessment of the environmental impacts relating to this proposal.
- 17.2. The council has also reviewed and responded to the submitted material at each examination deadline and participated fully in all hearings.
- 17.3. However, whilst the council and the Applicant have worked together over the course of the examination, many of the council's identified issues remain unresolved. As such, the council does not consider that the benefits outweigh the identified harms, and maintains its view that this development would not be in compliance with a number of the key local policies (as assessed in Appendix A of the LIR [\[REP1-137\]](#)).
- 17.4. Furthermore, Wiltshire Council's administration is opposed to this proposed development due to its significant scale and adverse environmental impacts, which would result in the industrialisation of the countryside. Therefore, as a result of the issues remaining unresolved at the close of the examination, Wiltshire Council does not support the proposal and considers that development consent should not be granted for the Scheme as it stands.

Appendix A

Schedule 13

Outline Terms of Reference [EN010168/APP/9.91]

Errata Statement

1. The Outline Terms of Reference certified under Schedule 13 of the Lime Down Solar Park Development Consent Order have been amended as follows.

2. Paragraph 1.1.1 has been amended to state:

“This document sets out the Outline Terms of Reference (“ToR”) for the Community Liaison Group (“CLG”) that will serve to provide an open and structured forum for communication between the scheme undertaker (“the Undertaker”) and local community representatives during the pre-construction and construction phases of the Lime Down Solar Park (“the Scheme”). In addition, the CLG will be in operation for five years following final commissioning of the Scheme, during peak replacement activities and at the decommissioning stage.”

3. Paragraph 1.1.2 has been amended to state:

*“Requirement 4 ‘Community Liaison Group’ of the **Draft Development Consent Order (DCO) [REP7-007]** requires that prior to the commencement of the authorised development, and requests for the discharge of Requirements relating to the Management Plans and Strategies, the Undertaker must submit to the relevant planning authority and receive approval for the ToR for a community liaison group. The final ToR will be substantially in accordance with these Outline ToR (see **Annex A – Extract from the DCO made for the Scheme**).”*

4. Paragraph 1.1.3 sub-section c. has been amended to state:

“The CLG is administered by the Undertaker and will continue to meet for five years following final commissioning of the Scheme, unless otherwise agreed by the CLG.”

5. Paragraph 1.1.4 has been amended to state:

“To ensure that the CLG is able to engage in design related matters, the CLG must be established prior to the submission of documents for approval pursuant to Schedule 2 of the DCO.”

6. Paragraph 1.2.3 sub-section g. has been amended to state:

“Maintain a log recording a summary of any concerns, requests or feedback provided by the CLG, the Undertaker’s response and any monitoring activities

required, and make the log available to the relevant Planning Authority on request.”

7. Paragraph 1.2.4 has been amended to state:

“The CLG will remain active from pre-construction mobilisation through to five years following final commissioning of the Scheme, during peak replacement activities and at the decommissioning stage.”

8. Paragraph 1.3.3, sub-section a. has been amended to state:

“Relevant representatives as determined appropriate by the host local authorities (or any successor authorities following local government reorganisation):

- i. Wiltshire Council*
- ii. South Gloucestershire Council”*

9. Paragraph 1.4.4 has been amended to state:

“The Chair shall be appointed in consultation with and by agreement of the host local authorities and the Undertaker. The Chair may be removed or replaced by agreement of the host local authorities and the Undertaker, provided that notification of that change is communicated promptly to the CLG.”

10. Paragraph 1.4.4, Undertaker, sub-section d. has been amended to state:

“Maintain the log which captures a summary of any concerns, requests or feedback provided by the CLG, the Undertaker’s response and any monitoring activities required, for review at the CLG meetings.”

11. Paragraph 1.5.1 has been amended to state:

“Where appropriate and subject to commercial sensitivity, minutes may be published on the Scheme website. A process for redacting commercially sensitive information (where appropriate), which must include the involvement of the Chair, will be included in the final ToR.”

12. Paragraph 1.5.2 has been amended to state:

“Prior to the first and any subsequent anniversary of the date of final commissioning of the Scheme, the CLG will discuss and agree whether it is appropriate and proportionate for the CLG to continue in operation in order to facilitate positive and construction relationships with local communities and stakeholders for a further period of 12 months from the anniversary of the date of final commissioning of the Scheme, up to a period of five years post the first anniversary of the date of final commissioning of the scheme.”

13. Annex B, Governance and Reporting, sub-section b. has been amended to state:

“Be chaired by the Chair (or someone appointed by the Chair).”