



# **LIME DOWN SOLAR PROJECT**

## **DEADLINE 8 SUBMISSIONS STOP LIME DOWN**

**October 2026**





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## **Stop Lime Down Deadline 8**

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## 1. Introduction

1.1.1. This document and the attached appendices comprise Stop Lime Down's (SLD('s)) Deadline 8 submission. This document will address.

- SLD's Closing Summary Statement.
- Comments on the Draft DCO and Management Documents.
- SLD's rebuttal to the Applicant's PV SMaRT Modelling

1.1.2. In respect of SLD's Closing Summary Statement, the content provided here is necessarily summative and is not a substitute for SLD's submissions throughout the Examination. At Appendix A SLD has provided a complete referenced list of its submissions throughout the Examination. Where appropriate, the Closing Summary Statement also includes comments on the documents submitted by the Applicant and other parties at Deadline 7.

1.1.3. In respect of SLD's rebuttal to the Applicant's PV SMaRT Modelling which it produced at Deadline 7 **[REP7-130]**, SLD recognises that the document which it has included at Appendix C to this submission is new evidence. SLD apologises for not being able to provide this document earlier, but the Applicant's evidence was provided at Deadline 7, and this reply required further work of modelling. As such, it was not possible to provide this at an earlier deadline. As this is a reply to a submission from the Applicant challenging SLD's original modelling, SLD would invite the ExA to accept this Appendix into the Examination so a fair opportunity of reply has been provided, and so that a full picture of the dispute between the parties is available.

1.1.4. This written submission uses the document reference for the latest tracked version of documents where multiple versions of the document exist in the Examination Library.

1.1.5. This submission has not been produced with the use of AI.



## Stop Lime Down Deadline 8

1.1.6. The following appendices are attached to this submission:

| Appendix | Title                                                                                 |
|----------|---------------------------------------------------------------------------------------|
| A        | Referenced list of SLD submissions to the Examination.                                |
| B        | Outline Terms of Reference Errata Statement                                           |
| C        | Reply to the Applicant's Response to SLD's Deadline 6 Submission – PV SMaRT Modelling |

## **2. Closing Summary Statement**

### **2.1. Introduction**

2.1.1. This Closing Summary Statement represents the final submissions of SLD in the Examination of the application by Lime Down Solar Park Ltd (**the Applicant**) for a development consent order (**DCO**) for the Lime Down Solar Project (**the Scheme**).

2.1.2. It is intended to summarise important parts of SLD's position at the end of the Examination. However, this Statement is not intended to be exhaustive, and SLD relies upon all of those submissions made throughout the Examination. That a matter is not mentioned here does not indicate that it is not important to the case advanced by SLD, nor does it indicate the matter is resolved unless expressly recognised in a submission made by SLD. A complete list of SLD's submissions is provided at Appendix A. In addition, SLD understands that the Applicant will be submitting the final signed Statement of Common Ground (**SoCG**) between the Applicant and SLD at Deadline 8.

2.1.3. SLD is a non-profit community campaign group comprised of local residents of Wiltshire and South Gloucestershire that opposes the Scheme. SLD operates through SLD Wiltshire Limited, a company limited by guarantee (company number 16326693). It has been supported throughout the Examination by both legal advisors, and a number of experts in different fields. This Deadline 8 submission is written with their input.

2.1.4. SLD has accepted throughout the Examination, and has agreed with the Applicant in the SoCG, the importance of renewable energy nationally and in Government policy. SLD supports the provision of renewable energy in the right location and at the right scale. However, throughout the Examination, SLD has explained that this Scheme in this proposed location causes too much harm to local communities and the environment.



2.1.5. SLD has welcomed the opportunity to make submissions to this Examination, both in writing and orally. It has also welcomed engagement with other parties, including the Applicant and Wiltshire Council (**the Council**). It hopes that its submissions in the Examination have assisted the Examining Authority (**ExA**).

2.1.6. At the close of the Examination SLD continues to invite the ExA to make a recommendation to the Secretary of State for Energy Security and Net Zero (**the SoS**) that development consent be withheld for the Scheme.

## 2.2. Alternatives and Design Evolution

### Introduction

2.2.1. Throughout the Examination, SLD has identified serious flaws in how the Applicant has approached the issue of alternatives and site selection. These serious flaws are of three principal kinds: (1) errors in the process adopted by the Applicant in its site selection; (2) a failure to adopt a proportionate approach to site selection; and, (3) substantive errors in how the Applicant has assessed the Potential Development Areas (**PDA(s)**), most notably in the Applicant's preferential approach to PDA 10 (which ultimately became the Scheme site). The Applicant has not conducted its alternative assessments in a proper or reasonable way.

2.2.2. SLD has set out the legal and policy framework related to the selection of alternatives (see, in particular, from para 5 of **[REP1-186]** and para 6 of **[REP5-130]**). The requirement is a legal one arising out of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (**the EIA Regulations**), and is an issue going to the adequacy in law of the Environmental Statement (**ES**). Where, as here, the duty in s.85 of the Countryside and Rights of Way Act 2000 (**CRWA 2000**) applies, that role of site selection is heightened as the duty to seek to further the purposes of the CNL is also in play. The Applicant has itself accepted that site selection can, in principle, be a reason to refuse development

consent (referred to at para 6 of **[REP5-130]**). In addition, as SLD's planning experts have noted in their assessment at the Written Representation stage from para 5.20 **[REP1-169]**, a failure of site selection may (as here) indicate a failure to "avoid" harms for the purposes of the mitigation hierarchy (itself meaning that the CNP Infrastructure presumption will not apply in NPS EN-1).

2.2.3. It is correct to say that the Applicant has provided further information on site selection throughout the Examination. However, SLD consider that it poses more questions than it answers. The information provided highlights the insufficiency of the information available at the start of the Examination. It also highlights the Applicant's attempt to conduct a post-hoc justification of the conclusions it reached in respect of PDA 10. Such post-hoc justification does not represent a 'reasonable' and 'balanced' approach to assessment (both being features of the dictionary definition of the word 'proportionate').

2.2.4. However, this further information also highlights the undue weight that the Applicant has placed on the agreements it secured for the land which is proposed to host the Scheme, and the extensive involvement of land agents, in preference to a proper consideration of the environmental constraints applying at the site. That is a key factor which has led to this exceptional case where a site not meeting the relevant policy tests has been selected by the Applicant. Had the Applicant conducted a proper site selection assessment, it appears to SLD certain that a more acceptable location would have been identified. SLD accepts that the obligation in law and policy is not to find the most appropriate location; however, this is a particularly inappropriate location, and one where development consent should be withheld. The flaws in the approach to site selection support that conclusion.

2.2.5. As with all sections in this summary closing statement, this section is necessarily a summary. It focuses on the three principal kinds of error made by the Applicant. However, for SLD's more detailed analysis, see: **[REP1-186]**,



Appendix 1 of [REP3-173], Appendix E of [REP5-130], section 3.2 of [REP7-145], and [REDACTED] report at Appendix A of [REP7-145].

#### Process errors

2.2.6. Early in the Examination SLD highlighted that the process by which the PDAs were selected and drawn was materially defective (see from para 20 of [REP1-186] and Appendix 1 of [REP3-173]). This particularly concerned the failure to adopt a consistent approach to the selection of PDAs, to redraw PDAs when criteria were changed, and to properly cluster PDAs so that they reflected the unconstrained land available for development. These are not simply matters of judgment but errors of the site selection logic which the Applicant sought (but failed) to apply. In applying that defective logic, the Applicant separated out PDAs without justifiable reason and failed to assess them collectively in planning terms.

2.2.7. These are flaws which remain within the site selection process adopted by the Applicant. While the Applicant has sought to provide further information to explain its approach, it is apparent (and the Applicant appears to accept) that this is post hoc justification rather than evidence of the site selection process that it actually conducted. The extent of that process actually conducted appears to be that described in the original Site Selection Assessment Report [APP-185].

2.2.8. At the end of the Examination the fruit of this erroneous approach is particularly apparent in the Applicant's admission now that, had it applied a consistent approach to selecting PDA 10, then it would have identified the unconstrained land for that area as being in the region of 729ha (see the discussion at ALT2.1 in [REP6-081]). In contrast, had it applied a consistent approach to drawing PDAs and/or clustering, it would have identified substantially larger areas for development with the opportunity posed by those larger areas to trim them to avoid significant adverse effects (see from para 6.1.11 of [REP3-173] and para 14 of [REP5-130]). In addition, that the unconstrained figure for PDA 10 is not aligned with the Scheme's overall land use figure, which is reflective of the undue

weight given to land agreements at the expense of considering environmental effects.

### Proportionality

2.2.9. As SLD and the ExA have sought further information from the Applicant to understand the flawed site selection process, an increasing refrain in response from the Applicant has been that the process it has adopted is “*proportionate*”. In the context of a Scheme with a value of £900-£950 million, covering 1,237ha, and that the Applicant itself accepts has significant adverse effects, SLD considers that view to be wrong. The Applicant has sought to refer to other NSIP schemes without reflecting on the specific characteristics of the Scheme, including the fact that it is subject to the s.85 duty to further the purposes of the CNL (pursuant to the CRWA 2000), and the fact that the Applicant itself in its own site selection identified seven “*amber*” criteria concerning PDA 10. SLD has recently addressed these points from para 3.2.2 of **[REP7-145]**.

2.2.10. As a result of these arguments from the Applicant, SLD asked its planning experts to consider what is proportionate in the NSIP process generally, and what would be proportionate in this case. At Appendix A of **[REP7-145]** [REDACTED] produced a report and, among other things, noted in respect of the Applicant’s views regards the timing of the availability of alternatives (from para 2.25):

*“2.25 We do not consider the Applicant’s comments regarding timing should be given any weight at this stage. The failure to adequately consider alternatives lies with the Applicant for not completing the necessary steps at an earlier stage in the process. The lack of proportionate consideration of combining PDAs pre-submission should not weigh against the alternatives now. This demonstrates the Applicant has not been robust in its approach.*

*2.26 The issue of the lack of alternative sites selection assessment has been raised prior to the examination by Stop Lime Down, so the concern raised*

*around lack of time is not accepted. The requirement to undertake site selection assessment work is clearly set out within the NPS-1 and that this should be done prior to submission.”*

2.2.11. SLD agree and note that, insofar as the Applicant argues about extent of delay, the extent of that delay must be seen in the context of the overall lifetime of the Scheme. And that is before consideration is given to the likely delays in any pre-construction period for this Scheme reflecting the substantial environmental problems of the development. Given the Government’s move towards PA 2008 reforms and speeding up the process of consenting, this must be seen in that context. (On this point see also the Power section below, where SLD has commented on other solar DCO schemes and the time it has taken them to progress to final commissioning).

2.2.12. [REDACTED] went on to consider the pre-Examination position, and the post-hoc analysis that the Applicant has produced within the Examination, and noted (at para 2.30):

*“It is our view that the rigid approach to PDAs applied pre-submission was not proportionate. Whilst we are pleased the Applicant has now sought to address this through the identified clusters, it is our view that the process undertaken is flawed, both in terms of proportionality as detailed above and also the reasons cited for excluding the PDA’s and clusters which are difficult to understand and hard to substantiate. The “high-level” analysis fails to proportionally consider these as a realistic alternative prospect.”*

2.2.13. Ultimately, it is for the decision-maker to consider and conclude what is proportionate in the specific circumstances of the case. SLD consider that there is considerable evidence, backed by the expert planning judgment of [REDACTED], to conclude that the approach adopted by the Applicant in this case is not proportionate and does not meet the requirements of NPS EN-1.

Substantive flaws in selection

2.2.14. SLD has consistently maintained that PDA 10 represents the least acceptable of the PDAs assessed by the Applicant. In its report submitted as part of its Written Representation **[REP1-186]** SLD considered the defects in the Applicant's approach (from para 33) and conducted a numerical reassessment of the PDAs (Appendix C). This points strongly against both PDA 10 and the Scheme. Indeed, in the context of a Scheme abutting a National Landscape, and with such significant constraints on the highways network, it is difficult to understand the Applicant's approach to PDA 10 in its analysis.

2.2.15. At Deadline 5 SLD addressed the Applicant's responses and highlighted the clear evidence of a defective approach which had led to undue preference of PDA 10 (from para 20 of **[REP5-130]**). Also, of note at that deadline was SLD's comprehensive analysis of the cable routes of solar NSIPs which are at or have proceeded past the examination stage. At a 22km 400 kV cable length (crossing a mainline railway twice alongside a motorway), the Scheme was identified as a striking outlier (compared to an average length of cable at 4.3km) (from para 36 of **[REP5-130]**). The Applicant's attempt at replying to this analysis was flawed, but in any event still did little to indicate against the conclusion that the external cable route length for the Scheme is exceptional. Even if the Applicant's views are taken into account, the average cable length did not exceed 6.5km (from para 3.2.19 of **[REP7-145]**). Such a cable length not only leads to more extensive adverse effects along the long cable route, but also the expense of the cable route amplifies the need to maximise the return of the site (and consequentially amplifies the significant adverse effects of the Proposed Development).

2.2.16. As a result of the flawed procedure adopted by the Applicant throughout site selection, a key failing identified was the failure to cluster PDAs appropriately to reflect their proximity. Such a clustering approach also provides scope for the narrowing of clusters to better avoid environmental effects.

2.2.17. The significance of the flaws in the approach of the Applicant is also demonstrated by the review of the clusters and PDA 10 conducted by [REDACTED] in Sections 3, 4 and 5 of their report at Appendix A of [REP7-145]. For each cluster, the potential for avoiding significant environmental effects is apparent in the clustered approach. [REDACTED] noted that *"the alternative clusters generally perform more favourably than PDA 10 across a range of environmental and planning criteria"* (para 6.3). That the Applicant sought to dismiss the clusters on such a 'high level' basis is inappropriate in such circumstances. As [REDACTED] also noted, there *"are credible acceptable alternatives which warranted and warrant more detailed and transparent assessment than has been undertaken to date"* (para 6.4). Were a consistent approach to the process of site selection adopted, at the very least these flaws in clustering would have been addressed and these options considered.

#### Conclusion

2.2.18. SLD has raised this issue prior to and throughout the Examination, and highlighted its significant concern that land ownership considerations, and the views of land agents, have been preferred to a proper consideration of the environmental effects of any development proposed at PDA 10. There has been undue preference for PDA 10, and such a skewed approach has led to a flawed and inaccurate approach which does not give the SoS the information they need to determine this application. SLD's position is that the Applicant fails to meet the requirements of the EIA Regulations and NPS EN-1 in respect of alternatives, fails to properly approach *"avoidance"* as part of the mitigation hierarchy (and thus does not meet the test in NPS EN-1 para 4.2.14), and, as part of that failure to properly approach *"avoidance"*, fails properly to meet the s.85 CRWA 2000 duty in respect of the CNL.

2.2.19. The conclusion reached by [REDACTED] reflects this position. In Appendix A of [REP7-145] at para 6.6 they concluded:

*“In its current form, the site selection assessment does not provide a robust and acceptable justification for the selection of PDA 10 and, in doing so, reinforces Stop Lime Down’s position that the site selection process and resulting conclusions cannot presently be relied upon to demonstrate a proper approach to mitigation nor that the proposed site is an acceptable location.”*

2.2.20. SLD consider that this expert planning view is the appropriate conclusion to reach in respect of the Applicant’s approach to site selection and alternatives.

### **2.3. Landscape and Visual**

2.3.1. SLD considers that the adverse landscape and visual impacts of the Scheme weigh against the grant of development consent. The Applicant’s LVIA generally underestimates the significance of the adverse effects and overestimates proposed enhancement. In summary, the key points which have been made by SLD are as follows:

- The LVIA does not comply with GLVIA3 by, inter alia, double-counting mitigation as enhancement.
- The Applicant’s approach overstates the effectiveness of proposed screening measures and places too much reliance on those measures to mitigate the adverse impacts of the Scheme.
- The Applicant has understated the effects of the Scheme on the CNL.
- The LVIA fails to properly assess impacts on recreational amenity, health and wellbeing.
- The LVIA fails to properly assess the effects of Glint and Glare.
- The LVIA fails to properly assess cumulative effects.

2.3.2. As a result, SLD disputes the Applicant’s conclusions about the predicted levels of adverse effects. A summary of the conclusions which SLD disputes is set out in further detail below.

2.3.3. Additionally, SLD considers that the Scheme fails to further the purpose of the CNL and is therefore in conflict with the s. 85 duty. SLD considers that the effects



of the Scheme on the landscape are so damaging that they would clearly not be offset by the very limited benefits, and the Scheme should therefore be refused by the Secretary of State on that basis.

2.3.4. SLD notes that it has submitted landscape evidence in each of its submissions and does not repeat all of the references here. SLD's original landscape submission with its Written Representation is at **[REP1-170]**.

The LVIA does not comply with GLVIA3 by, inter alia, double-counting mitigation as enhancement

2.3.5. SLD observes that the latest version of the Applicant's LVIA **[REP6B-005]** has not been revised to factor in comments and concerns raised not only by SLD but also the ExA, Natural England, the CNLB, and Wiltshire Council. Those comments take issue with the Applicant's method and approach to the assessment of effects, which have led to levels of adverse landscape and visual effects being underestimated and levels of beneficial effects being overestimated. Whilst SLD accepts that in many respects, the Applicant's LVIA **[REP6B-005]** follows GLVIA3 and other landscape-related guidance, there are occasions where the LVIA does not conform to and departs from the guidance in a significant way.

2.3.6. In SLD's opinion, in most cases this is due to the guidance having been misinterpreted, resulting in errors in the reporting of levels of effects. In other cases, it is due to the Applicant having chosen to deliberately depart from the guidance in order to report beneficial effects which would otherwise be adverse, by double counting landscape and visual mitigation measures as landscape and visual enhancement. The Applicant acknowledges this, for example in their response to ExQ1 LV1.4 **[REP3-128]**, which states that the purpose of the departure is specifically to "[allow] *the physical landscape benefits of the Scheme (such as new hedgerows and meadows) at the Site level. to be quantified without affecting the separate assessment on Landscape Character*"; also, para. 1.2.20

of [REP6B-011], which states, *"it is the substantial gains, compared to the negligible losses that are considered to result in the Beneficial Effects to Landscape fabric"*, and [REP6B-011] para. 1.1.14 which states, *"Keeping this assessment independent of the assessment of Landscape Character avoids for any 'double counting'"*. SLD's landscape expert does not consider this approach to be acceptable.

2.3.7. While SLD accepts that the Applicant's proposal to establish wildflower meadows in existing arable fields adjacent to the CNL is an enhancement, SLD does not accept that the new hedgerows could be similarly classified as enhancements. Those hedgerows are required to mitigate the harms of the Scheme. The Applicant itself acknowledges that, adjacent to the CNL, it is necessary to manage the heights of hedges to avoid adverse effects on the CNL's Special Quality of open views to and from the CNL (see for example the Applicant's Response to Relevant Representations [PDA-009], comment at CNL-064, page 588).

2.3.8. In the same vein, SLD does accept the Applicant's conclusion that the level of operational phase effect on landscape 'fabric' – see below – would be Moderate Beneficial, and significant. It is difficult to conceive how the Applicant's proposed changes to the fabric would give rise to a benefit when the very small amount of proposed enhancement relative to the very large size of the Scheme and the associated extensive significant adverse effects of it (as acknowledged in the LVIA). Applying the criteria in Table 8.1.1.15 of the LVIA method [REP1A-007], the level could at best be described as Neutral. This also reflects the fact that many of the significant adverse landscape/visual impacts of the Scheme are not capable of being completely mitigated because screening will result in the loss of characteristic openness and/or a total loss of view. SLD's conclusions on significant effects are set out in tables below.

2.3.9. Secondly, the LVIA departs from the guidance in its interpretation of what GLVIA3 calls landscape 'elements' (the LVIA uses the term landscape 'fabric'

instead). This does not conform to GLVIA3 in that the LVIA's definition of 'fabric' only includes 'soft' / natural landscape elements, not 'hard' / man-made elements. As they are not included in the 'fabric' assessment, the result is that the LVIA only reports the effects arising from the removal / introduction of 'soft' elements such as hedges, trees and grassland, and does not factor the introduction of the 'hard' elements such as new structures and access tracks into the conclusions. Evidently, this does not provide a balanced outcome.

The Applicant's approach overstates the effectiveness of proposed screening measures and places too much reliance on those measures to mitigate the adverse impacts of the Scheme;

2.3.10. Throughout the Examination, SLD has disputed the Applicant's assumption that all of the vegetation which currently screens views, or is proposed to screen them, can be relied upon to do so in future. SLD considers that the Applicant's judgements about likely effects on views do not reflect a reasonable worst-case scenario. The levels of adverse visual effects are likely to be higher than predicted in the LVIA.

2.3.11. [REDACTED] position on this matter remains as summarised in [REP4-078] and explained in Section 7.5 of SLD's LVIR [REP1-170] and other submissions. In summary:

- A large proportion of the existing screening vegetation comprises overgrown roadside hedges, many of which are likely to be cut back regularly, which undermines the effectiveness of screening.
- The over-reliance on screening is not climate-resilient (as discussed further below).
- Around the country, trees and hedges are being lost due to pests, pathogens, diseases, and weather-pattern changes, especially the increase of prolonged periods of heat and drought.

- The Applicant relies on some screening from trees and hedges which are off-site and not within the Applicant's control, for example ancient woodland. As explained at para. 3.3.27 of SLD's Deadline 7 submission **[REP7-145]**, whilst the Applicant assumes that ancient woodlands have a high degree of permanence due to the level of protection they are afforded, unfortunately, around the country, trees in ancient woodlands are being lost due to the above factors.

2.3.12. Para. 1.2.2 of the Applicant's Response to SLD's Deadline 5 Submission **[REP6B-011]** states that "*The establishment and longevity of proposed on site vegetation as well as existing vegetation would be protected under the detailed Landscape and Ecological Management Plan*". However, the establishment and longevity of existing off-site vegetation would not be protected under the detailed LEMP.

2.3.13. Additionally, the management measures outlined in the OLEMP **[REP6-037]** do not properly manage the risk of plant failure. Paras 1.3.45, 1.3.55, and 1.3.55 of the OLEMP state that new plants "*will be regularly watered in the first summer and thereafter as required to ensure successful establishment*". However, para 1.4.4 of the OLEMP states that monitoring at the Solar PV Sites would be "*undertaken in Years 1, 2, 3 and 5 post-construction, and then every five years for the lifetime of the Scheme*". Thus, if there are significant failures of plants in Year 6, this would not be noticed or remedied until Year 10. The same five-year gap would apply to failures beyond Year 10, throughout the remainder of the 60-year operational phase. Evidently, this would mean that the LVIA's assumptions about the length of time it would take for plants to grow tall enough to effectively screen views, i.e. 15 years from the start of the operational phase, would be incorrect, and levels of adverse effects would remain at high levels for longer than predicted. Thirdly, in SLD's opinion, the Applicant has not satisfactorily addressed concerns about watering during prolonged periods of drought, which are likely to be experienced more frequently in future. If that is the

case, then again, the levels of adverse effects at Year 15 and beyond would be higher than the LVIA predicts.

2.3.14. SLD's landscape expert notes that the Applicant proposes to plant 'select standard' trees in and alongside hedges in order to screen certain views more quickly than if smaller-sized specimens were planted. The larger trees require considerably more water, and more frequent watering. Also, the Applicant's proposal to plant trees in rows alongside hedges is unusual, uncharacteristic, and is a constraint to hedgerow management.

#### The Applicant understates the adverse effect on the CNL

##### *CNL Setting*

2.3.15. SLD and other parties have raised concerns about the Applicant's LVIA having concluded that the setting of the CNL only extends to parts of Lime Down A, B and C. SLD considers that the setting extends to the easternmost part of Lime Down E - albeit it is accepted that significant effects on the CNL in relation to that setting would not occur east of the Fosse Way.

2.3.16. SLD considers that the Applicant's approach to defining the setting of the CNL must be wrong having regard to the criteria used by the authorities to define the spatial extent of the setting of a National Landscape, i.e. *"the area within which development... can be considered to have an impact, positive or negative, on the landscape, scenic beauty and special qualities of [a National Landscape]."* SLD notes, in particular, that:

- The 'augmented' ZTV plans, which factor in existing screening vegetation, show intervisibility between the CNL and all the Lime Down sites, meaning that the CNL's setting extends to the easternmost part of the Order Limits (see Natural England's response to ExQ2 LV2.5 in **[REP5-140]**, and **[REDACTED]** comments on Natural England's response in Section D of **[REP5-130]** Appendix A);

- The Applicant acknowledges that significant adverse landscape effects would arise within the boundaries of Lime Down A, B, C, D and E, and significant adverse landscape effects would arise up to 1km from all the Lime Down sites' boundaries;
- Given the spatial extent of a National Landscape is defined by reference to the area which could give rise to "*an impact, positive or negative*", the setting is not limited by reference to those impacts which can be classified as significant effects. Rather, all impacts (including minor and negligible effects) which give rise to an indirect effect on the CNL are captured within the setting.

### *Effects on Tranquillity*

2.3.17. As discussed further below in respect of SLD's transport evidence, the increase in traffic along the construction / decommissioning routes is very likely to result in significant adverse effects on landscape character, and visual / recreational amenity, within the CNL and its setting. A detailed assessment of landscape and visual effects arising along the proposed construction routes, both within the CNL and its setting, is provided in Section 8.6 of SLD's **LVIR [REP1-170]**. Additionally, SLD's Deadline 6 submissions (**[REP6-081]**, Appendix 1), underscores that the Scheme's effects on the tranquillity of the CNL go beyond the mere noise impacts, but includes visual disturbance and safety. The Applicant's Tranquillity Assessment fails to properly consider those critical factors.

2.3.18. Further, and as discussed during ISH5, it is likely that additional works would be required to accommodate both AILs and HGVs, the effects of which have not been factored into the assessments. As noted in para 2.1.9 of SLD's **[REP7-145]**, the highways work required to facilitate construction access for HGVs and AILs are likely to involve road widening and new passing bays, the effects of which were not assessed in the Applicant's LVIA. SLD has sought clarification in respect of whether the 'improvements' would remain for the duration of the operation including decommissioning or if the areas would be

returned to the baseline condition once the construction works are over (at para 2.11). This query was not answered at ISH5 and does not appear to have been answered in the Deadline 7 submissions.

### *Removal of Panels at Field C9*

2.3.19. SLD's Landscape expert has considered the comments provided by the Applicant in its *"Response to Outstanding Matters from Deadline 6 and the Submission Received at Deadline 6B"* [REP7-121]. She notes the comment at SLD-167, wherein the Applicant suggests that, as a consequence of the removal of infrastructure at Field C9, there would be no significant adverse effects on receptors within or on the boundary of the CNL, including the landscape character of the land within the CNL:

*"There are also no Significant Adverse effects to the landscape character of the land within the CNL. Although significant landscape effects have been recorded within the 1 km Local Study Area of the Lime Down Sites, these effects are primarily related to the change in land use from agriculture to the solar infrastructure within the Site and its immediate setting. However, this change does not **directly** affect the CNL as the buffers to the development provided by the avoidance measures and layers of proposed mitigation planting to the arrays would contain the development away from the edge of the CNL"* (emphasis added)."

2.3.20. SLD accept that there would be no *direct* effects on the CNL during operation – although that is an obvious point and there would remain direct adverse effects on the CNL during construction, replacement and decommissioning as a consequence of increased traffic. For the avoidance of doubt, the removal of panels from Field C9 does not remove significant indirect effects which would be experienced within the CNL. SLD notes that:

- The distances between the boundary of the CNL and proposed infrastructure on Sites D and E are over 1km. However, infrastructure on Lime Down A would be c. 240m from the CNL boundary; on Lime Down B, it would be c. 290m from the CNL boundary; and on Lime Down C, it would be c. 140m from

the CNL boundary. Therefore, the significant indirect effects on landscape character predicted in the Applicant's LVIA [REP6B-005] would extend between c. 860m and c. 710m into the CNL.

- The Applicant confirms that *“significant [indirect] landscape effects have been recorded within the 1 km Local Study Area of the Lime Down Sites [which] are primarily related to the change in land use from agriculture to the solar infrastructure within the Site and its immediate setting”*. This applies to all the Lime Down Sites (see for example [REP6-021] Table 3).

### *Enhancements to the CNL*

2.3.21. As explained in SLD's [REP6-081] Appendix A, [REDACTED] does not accept that the proposed tree planting along the lanes west of Lime Down C *“complements the existing landscape character”*, nor that it would *“support the landscape character of their setting”*. Hedgerow trees are not characteristic along the CNL boundary and the Fosse Way. The images in [REP6-081] clearly show the absence of roadside hedgerow trees in this area, and they only occur infrequently in the landscapes beyond, as far as the Fosse Way. Also, conversely, the Applicant proposes that during operation, hedges in these locations would be kept low in order to maintain the characteristic and important open views towards and from the CNL, which is one of the CNL's Special Qualities, whereas trees would screen / filter these views.

2.3.22. In the same location (Field C9), the Applicant proposes to replace the existing arable fields with 'low density scrub'. In SLD's view, the introduction of low-density scrub is likely to result in localised adverse landscape and visual effects, due to the contrast between the existing orderly agricultural baseline character, as identified in the published character assessments, and dynamic, unmanaged vegetation, which is not characteristic in these landscapes. In response to this, the Applicant explains *“it is only reasonable to assume that there is an understanding that these landscapes are dynamic and through the implementation of the Local Nature Recovery Strategy that there would be an increase in the change in farming practices across Wiltshire with more land being*

*brought forward for nature recovery purposes rather than traditional agricultural farming*". That may be the case, however the LVIA is required to be assessed against the existing baseline situation.

The LVIA fails to properly assess impacts on recreational amenity, health and wellbeing

2.3.23. SLD note that whilst the LVIA considers visual effects on receptors using the identified transport routes, it does not consider the perceptual / experiential effects on people's social / recreational amenity, nor does it consider effects on their health and wellbeing. In SLD's opinion, during all phases of development, receptors are likely to experience significant adverse effects in these regards.

2.3.24. In particular, people using PRowWs which cross Sites Lime Down A – E would experience significant adverse visual and other perceptual effects, including noise (see SLD's noise submissions below), due to the change from an open, tranquil agricultural landscape to an enclosed, 'busy' industrial landscape. SLD notes the Applicant's decision, for this reason, not to plant new hedges along these footpaths as they would disrupt the existing landscape pattern. Additionally, whilst hedges may help to screen views of the infrastructure, a) they would not screen all views, for example across rising / falling land; b) where they did screen views, the result would be the total loss of the view, resulting in a high level of adverse visual effect; and c) they would not mitigate the effects of noise and disturbance.

2.3.25. Users of off-site PRowWs, local lanes, and BOATS – pedestrians, cyclists, and equestrians – in the vicinity of the Sites would also be significantly adversely affected by the visual and non-visual change from rural to industrial and are more likely to experience a total loss of view where new hedges are introduced and existing hedges are reinforced, especially given the hedges would be maintained at up to 4.5m in height.



2.3.26. As explained in the LVIR [REP1-170], the lightly trafficked lanes and BOATs are well used by equestrians, being a critical resource for riding and exercising horses because there are so few bridleways in the area, and the lanes and BOATs connect those which do exist. The effects of construction traffic on equestrians would be severe: note that horses are highly unpredictable, and along with riders, are highly sensitive receptors. As explained in Section 8 of the LVIR, there is an unusually wide variety of horse-related activities and businesses in the area. As a result of the high intensity of equestrian use, the local road network is an essential resource for those involved in or who benefit from the industry, including associated businesses and trades such as vets, farriers, and feed merchants. Main and minor roads, including those along the proposed construction route, are regularly used for transporting horses (often in large horseboxes); riding (children, amateurs, and professionals); carriage driving; and on-lead training / exercising (apparently, exercising horses on roads and other hard surfaces builds tendon and bone strength).

Failure to properly assess effects of Glint and Glare

2.3.27. The LVIA does not consider the cumulative effects of glint and glare, nor were they considered in the Applicant's Deadline 6 additional sequential effects assessment, which included cumulative development sites. In fact, cumulative effects were not assessed in the GGS (as explained at para. 12.14 of the LVIR, and para. 2.1.17 of SLD's [REP7-145]). See also SLD's submissions on glint and glare below.

The LVIA fails to properly assess cumulative effects

2.3.28. In SLD's opinion, as set out in LVIR Section 12, the Applicant's LVIA's assessment of cumulative landscape and visual effects (both inter- and intra-project) is unsatisfactory, in that it does not provide an accurate or realistic indication of the extent and levels of the adverse cumulative effects that would

arise from the Scheme, whether in isolation, or in combination with others. In summary:

- The LVIA does not include all the identified cumulative development sites (i.e. extending beyond renewable energy developments) which would be industrialising / urbanising in nature;
- It fails to consider cumulative effects on recreational, social, or residential amenity; and
- The assessment is based on intervisibility, which is only one aspect of the relevant considerations: non-visual aesthetic, perceptual / experiential effects such as noise, disruption, pollution and so on must also be factored in.

2.3.29. SLD's LVIR concluded that the extent and levels of cumulative landscape and visual effects, including cumulative effects on recreational, social and residential amenity, would be greater and higher than the LVIA predicts in [REP3-045] Table 26, and many would be significant adverse.

#### Design Principles and Parameters

2.3.30. The Applicant has not responded to SLD's query at para 2.2.44 in [REP4-132] about whether and how units or other elements of the Scheme could be coloured if the manufacturer was unable to provide a unit of a "*sympathetic*" colour. In SLD's opinion, the only way to successfully achieve the Applicant's stated objective of ensuring that Scheme elements are visually integrated into the surrounding landscape context is to carry out an informal Environmental Colour Assessment, although the Applicant has not clarified whether this exercise would be undertaken.

#### Conclusions on Landscape and Visual Effects

2.3.31. Notwithstanding agreement with the Applicant that, overall, landscape and visual effects arising from the Scheme would be 'significant' adverse, in many cases, [REDACTED] does not agree with the LVIA's conclusions about the predicted

levels of those adverse effects. In [REDACTED] opinion, in many cases, the levels have been underestimated, including the extent and duration of the effects.

2.3.32. This is important because the LVIA concludes that in several cases, levels of adverse landscape and visual effects would either not breach the significance threshold (which has been set at 'Moderate'); or, after 15 years of operation (when the LVIA assumes the proposed screen planting would have become established and fully effective), levels would fall below the threshold. However, where levels have been underestimated, the higher level would breach the threshold. Therefore, the level of harm to landscape character and visual / other amenity would be greater than the LVIA assumes.

2.3.33. A summary of the differences between [REDACTED] and the Applicant are set out below. Where an effect is not addressed, SLD reiterates what has been stated in its previous submissions.

#### *Assessment of Landscape Receptors*

2.3.34. SLD does not accept the conclusions reached in the Applicant's Table 8-17 [REP6B-005]. The Applicant already recognises that the effects on the site are significant; indeed, they would be of the highest level. In respect of landscape fabric, the issue of double-counting has already been addressed above, and the Applicant fails properly to understand such fabric as defined in GLVIA3 (as 'elements' both 'hard' and 'soft'). As to the Local Study Area, across all stages the effects would be up to Major / Moderate Adverse.

2.3.35. In respect of the Cotswold National Landscape, the Applicant's LVIA does not set out a separate table which considers effects on the CNL during construction, operation and decommissioning. As set out in the LVIR, [REDACTED] assessment concluded that for the landscapes and visual receptors of the highest sensitivity, the direct adverse effects along the sections of the construction /

decommissioning route which runs through the CNL and its setting, would be up to Major Adverse.

| Landscape Receptor             | Construction         | Operation Year 1        | Operation Year 15 | Decommissioning      |
|--------------------------------|----------------------|-------------------------|-------------------|----------------------|
| CNL (Direct Effects)           | <b>Major Adverse</b> | Neutral                 | Neutral           | <b>Major Adverse</b> |
| CNL Setting (Indirect Effects) | <b>Major Adverse</b> | <b>Moderate Adverse</b> | Neutral           | <b>Major Adverse</b> |

2.3.36. It should be noted that the assessment of 'Neutral' direct and indirect effects on the CNL do not take into account the likely increase in construction traffic during large-scale maintenance works, such as the replacement of solar panels and other Scheme elements which have reached the end of their lifespan. During major maintenance and replacement works, SLD concludes that significant adverse direct and indirect effects arise as a consequence of increased traffic along the construction route.

### *Residential Receptors*

2.3.37. SLD disputes the Applicant's assessment of private receptors, as set out in **Table 8-19** of the LVIA [REP6B-005] (see below). As above, where SLD's assessment differs from the Applicant's, SLD's conclusions are shaded in grey, and significant effects are emboldened.

| Visual Receptor               | Construction           | Operation Year 1       | Operation Year 15        | Decommissioning          |
|-------------------------------|------------------------|------------------------|--------------------------|--------------------------|
| Grain Store Barn              | Major Adverse          | Major Adverse          | Moderate Adverse         | Moderate Adverse         |
| Widley's Farm Sherston        | Moderate Adverse       | Moderate Adverse       | Minor Adverse            | Minor Adverse            |
| The Stables & Caravan Stables | Major-Moderate Adverse | Major-Moderate Adverse | Moderate / Minor Adverse | Moderate / Minor Adverse |
| Common-wood Farm              | Major-Moderate Adverse | Major-Moderate Adverse | Moderate-Minor Adverse   | Moderate-Minor Adverse   |
| Fosse Lodge                   | Moderate Adverse       | Moderate Adverse       | Moderate-Minor Adverse   | Moderate-Minor Adverse   |
| Lord's Wood Farm              | Major-Moderate Adverse | Major-Moderate Adverse | Moderate-Minor Adverse   | Moderate-Minor Adverse   |
| North Lodge, Norton           | Major-Moderate Adverse | Major-Moderate Adverse | Moderate-Minor Adverse   | Moderate-Minor Adverse   |
| Honey Lane Cottage            | Major-Moderate Adverse | Major-Moderate Adverse | Moderate-Minor Adverse   | Moderate-Minor Adverse   |

|                 |                         |                         |                        |                        |
|-----------------|-------------------------|-------------------------|------------------------|------------------------|
| Bradfield Manor | <b>Moderate Adverse</b> | <b>Moderate Adverse</b> | Moderate-Minor Adverse | Moderate-Minor Adverse |
|-----------------|-------------------------|-------------------------|------------------------|------------------------|

2.3.38. SLD observes that the Applicant's results are based on the majority of the receptors being categorised as Low visual value / Medium sensitivity. As explained at para. 10.4.10 of SLD's LVIR **[REP1-170]**, and para. 2.1.27 of SLD's **[REP3-173]**, SLD's landscape expert does not agree that the receptor value level is Low, because the landscapes which are viewed by the residents are of High value, as confirmed in Table 13 of the Applicant's **[REP3-173]**. It follows that the level of receptor value should be correspondingly High (which the LVIA concludes is the case elsewhere). Therefore, using the matrix in the Applicant's **[REP1A-007]** Table 8.1.1.14, and based on the LVIA's predicted levels of magnitude of effect in **[REP6-021]** (but see below), from Year 1 to Year 14, the level of overall effect for receptors where the predicted magnitude of change is High would in fact be Major (Significant) adverse, and at and after Year 15, if the screening was fully effective, Moderate Adverse (Significant). The Low level of visual value applied in the LVIA applies to the majority of private and public visual receptors, albeit levels of magnitude of effect and sensitivity vary. Also note that [REDACTED] does not agree with the LVIA's prediction that during decommissioning, some of the receptors would experience no visual effect at all.

2.3.39. It should be noted, however, that the two above tables above do not reflect [REDACTED] opinion that not all the existing and proposed vegetation would effectively and successfully screen all views beyond Year 15. If vegetation did not successfully establish, and / or was affected by drought / severe weather conditions, the level of adverse effect experienced after Year 15 would be higher.

2.3.40. For example, as reported in the Applicant's Assessment Sheets **[REP6-021]**, during construction and from Year 1 to Year 14, residential receptors at Grain Store Barn (which is made up of four households) would experience a High

magnitude of change. Being High sensitivity receptors as opposed to Medium would result in a Major (Significant) adverse level of effect, not Major – Moderate Adverse. The Applicant assumes that at and after Year 15, the proposed screening would reduce the level to a Low magnitude of effect, resulting in a Moderate - Minor Adverse level of overall effect, which is no longer significant. However, a) the High level of sensitivity results in a Moderate Adverse (Significant) level of overall effect, and b) if the screening was not as effective as assumed, the level would remain Major Adverse (Significant).

### *Public Receptors*

2.3.41. Regarding visual effects on public receptors using the identified transport routes set out in Table 8-20 of the LVIA **[REP6B-005]**, whilst SLD agrees that all the receptors would experience significant adverse visual effects during construction and up to Year 14 of operation, and that many would experience significant adverse visual effects from Year 15 and for the duration of the operation, SLD considers that:

- the levels of adverse effects would be higher than the LVIA predicts (up to Major Adverse for the highest sensitivity receptors), and
- not all the existing and proposed vegetation would effectively and successfully screen all views from Year 15 onwards, in which cases, adverse effects which the LVIA does not consider to be significant would be significant.

### Section 85 – Duty to Further the Purpose of the CNL

2.3.42. NPS EN-1 is clear that the duty to seek to further the purpose of nationally designated landscapes also applies when considering applications which fall outside the boundaries of those landscapes. Section 85(A1), CRWA 2000 requires that in the exercise or performance of his functions “*in relation to, or so as to affect, land in an area of outstanding natural beauty in England [the Secretary of State] must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*”

2.3.43. SLD repeats and reiterates the submissions made in its Deadline 4 submission [REP4-132]. In order for the Secretary of State to discharge his duty to further the purpose of the CNL, he must “*must determine whether the proposed development is consistent with the promotion of the statutory purposes*” of the s. 85 duty (per the judgment of [REDACTED] in *New Forest NPA v Secretary of State for Housing Communities and Local Government* [2025] EHC 726 (Admin), at para 61). If the Secretary of State “*determines that the proposed development is in conflict with the statutory purposes or would undermine the fulfilment of [those] purposes, they must consider whether the grant of planning permission would be in accordance with their duty to seek to further those purposes*” (ibid).

2.3.44. SLD acknowledges that the duty is expressed in qualified terms. As [REDACTED] observed, the Secretary of State is only required “*to seek to further the purpose*” – he “*is not under a duty necessarily to fulfil those purposes*” (ibid, paragraph 62). However, here, it is obvious that the Scheme is inconsistent with the statutory purpose of s. 85(A1). The Applicant acknowledges various significant adverse effects to the landscape and acknowledges direct and indirect effects on the CNL during construction. Relying upon the Oxford English Dictionary definition, [REDACTED] identified the duty to conserve as ‘*to preserve intact or to maintain in an existing state*’ and ‘*to prevent something of natural or environmental importance from being damaged or destroyed.*’ Plainly, the Scheme would not preserve the natural beauty of the CNL or its tranquillity.

2.3.45. The Secretary of State must then consider whether the grant of planning consent would be consistent with the statutory purpose. In SLD’s respectful submission, it would not be. Having regard to the size and scale of the Scheme, the CNL would be subject to significant, adverse, and enduring harms. SLD also notes the submissions of the CNLB at [REP7-144]. While the CNLB concluded that the Secretary of State’s grant of consent for this Scheme would still comply

with the section 85(A1) duty **[REP3-154]**, the CNLB's observations, properly considered, should have led them to reach the opposite conclusion. SLD note:

- Notwithstanding avoidance, mitigation and enhancement measures contained within the Scheme, it would still give rise to significant residual adverse effects on the natural beauty of the CNL **[REP7-144]**;
- Those adverse effects include adverse effects on tranquillity (one of its special qualities) and its other special qualities overall **[REP7-144]**;

2.3.46. For the avoidance of doubt, conflict with the purpose of the s. 85 duty is not resolved by reference to the proposed enhancements within the CNL at decommissioning. In the first instance, it is noted that the only beneficial effects of the proposed 'soft' fabric would occur where the measures are required to mitigate adverse effects, i.e. the wildflower meadows adjacent to the CNL boundary. Those proposed enhancements are very small relative to the very large size of the Scheme and the associated extensive significant adverse effects that would arise (the latter as acknowledged in the LVIA).

2.3.47. Secondly, while the ODS **[REP7-078]** provides for the removal of all infrastructure and other 'hard' / man-made elements, it does not address the removal of the 'soft' / natural 'fabric' mitigation / enhancement measures such as the wildflower meadows. As those matters are not secured, the reasonable worst case would assess their removal which would result in the loss of any enhancement to the 'legacy' landscape in the CNL.

2.3.48. The s. 85 duty requires decision-makers to seek to contribute to the conservation and enhancement of the natural beauty, Special Qualities, and key characteristics of the CNL. A key part of this must be the avoidance of and mitigation of significant adverse effects from development. SLD considers that that duty would support the refusal of development consent here.

## **2.4. Heritage**

### Built Heritage

- 2.4.1. SLD have provided detailed built heritage commentary throughout the process. Whilst some of the issues raised by the heritage experts have been addressed with additional information or mitigation, it is considered that a significant effect would arise in respect of two highly graded assets.
- 2.4.2. In particular, concerns remain regarding the potential operational impact to Bradfield Manor (Grade I), and the noise impacts to Norton Manor (Grade II\*)
- 2.4.3. A full and detailed setting assessment was provided by SLD's heritage expert in its Written Representation **[REP1-171]**. Within this, SLD's heritage expert requested additional visuals to be provided to inform the visibility of the proposals from key views from the parlour of the Manor which was built to provide open and far-reaching rural views. These visuals were provided much later in the process (at Deadline 5 **[REP5-097]**) and only in the summer scenario.
- 2.4.4. The visuals prepared show the summer visibility (baseline photography dated May 2026). Even in the summer views, where some of the panels would be screened by mature trees and shrubbery, the views demonstrate that the panels would be visible within the mid distance setting of the Manor. VP01 shows that the panels would be seen in the far-reaching views across to Bradfield Manor encroaching development into this historically open view.
- 2.4.5. VP02 looks north from the Manor and shows a greater degree of visibility. Similar to the VP01, the view is prepared in the summer scenario, and visibility would be markedly greater in the winter view. The impact of the proposed development in this view is to materially alter the rural and far-reaching views afforded from the Parlour of the Grade I Manor.
- 2.4.6. SLD maintain the high level of harm found to the Grade I Manor which is considered a significant effect (Major/Moderate Adverse).



## Stop Lime Down Deadline 8

2.4.7. Through the process, the Applicant has conceded that the threshold used for the noise report it rely upon is not a suitable threshold for setting impacts, however the Applicant has not offered an updated assessment nor shown in their submissions that noise below this threshold has been taken into consideration.

2.4.8. A full assessment of the noise impacts has been provided by SLD which concludes that a significant effect would arise to Norton Manor (Grade II\*). It is SLD's position that no additional mitigation has been produced and as such the level of anticipated harm to this asset would be a significant effect (Moderate Adverse).

### Archaeology

2.4.9. SLD notes that, of the matters relating to archaeology, its experts' concerns relating to the outstanding information relating to the geophysical survey and mitigation strategy have been satisfactorily addressed by the Applicant. Furthermore, SLD's experts welcome the clarification made by the applicant regarding the horizontal directional drilling which will be used within the cable corridor west of the Scheduled Monument "*Pillow Mound 280m south-west of Surrendell Farm*". Consequently, Stop Lime Down has no outstanding concerns in relation to those matters.

2.4.10. The sole remaining archaeological matter of concern is the effect of the Scheme on the Fosse Way and associated archaeological remains.

2.4.11. A difference in professional judgement remains between the Applicant and SLD's experts regarding the significance of the Scheme's impact on this important heritage asset. Stop Lime Down maintains the position set out in **[REP5-130]** that the Proposed Development would result in a Moderate Adverse and significant effect on the Fosse Way.

2.4.12. In SLD's experts' view, that effect arises from a combination of both direct and indirect impacts. These are as follows:

- There is the potential for localised direct impacts upon surviving archaeological remains associated with the Fosse Way itself, both within access corridors and introducing of development in proximity of the alignment of the road.
- There is the potential for direct impacts upon archaeological remains contemporary with the Fosse Way that may extend beyond the limits of the Applicant's proposed no-dig zones.
- There are indirect impacts arising from the loss of the spatial and visual relationship between the buried remains of the Fosse Way and contemporary archaeological sites within the surrounding landscape. The introduction of extensive solar PV infrastructure would substantially alter the present archaeological context, detracting from the ability to understand the route as part of a wider Roman landscape and reducing the legibility of the relationship between the Fosse Way and associated contemporary activity.

2.4.13. Accordingly, while SLD welcomes the resolution of the other archaeological matters raised during the Examination, we continue to consider that the Scheme would give rise to a significant Moderate Adverse effect on the Fosse Way.

## **2.5. Transport and Traffic**

### Introduction

2.5.1. SLD has, from the commencement of the Examination, raised concerns about the Applicant's proposed use of narrow country lanes to access construction sites. The main concerns in relation to the width of lanes are two-fold: the ability for large construction vehicles to pass other HGVs or light vehicles and the impact of construction traffic on vulnerable highway users, specifically pedestrians, cyclists and equestrians.

2.5.2. Additional transport concerns relate to the adverse transport environmental effects of construction traffic on sensitive receptors; non-motorised users (**NMU(s)**), local residents and the CNL.

2.5.3. SLD notes that it has submitted transport evidence at almost every deadline, and do not list all of that evidence here. However, SLD's original traffic submission as part of its Written Representation is at **[REP1-172]**.

#### The Ability of Construction Vehicles to Pass on Narrow Lanes

2.5.4. The following country lanes are generally of insufficient width or have sections that are of insufficient width to allow two HGVs to pass:

- Bradfield Cottages from the Hullavington Airfield roundabout to the Lime Down D (west) access;
- Alderton Road between Grittleton and the Fosse Way;
- The Fosse Way between Alderton Road and the road to Sherston;
- The road to Sherston from the Fosse Way to the Lime Down E access.

2.5.5. The Applicant identified only Alderton Road and sections of the Fosse Way as Highway Improvement Areas (**HIA(s)**) associated with the solar array areas. In these areas the Applicant has identified a series of locations where the lanes could be widened sufficiently to allow two HGVs to pass.

2.5.6. Until very recently, the Applicant has maintained that the risks associated with HGVs meeting on sections of narrow lanes in areas outside of HIAs could be managed through the timing of HGV arrivals and departures. Both SLD and the Council have questioned whether such management could be practically achieved given the number of site access points operating simultaneously and the number and diversity of delivery types. It is a fact that management of

construction HGVs cannot deal with the issue of construction HGVs meeting existing HGVs.

2.5.7. In its latest submissions, following discussions and meetings, including on site, the Applicant has identified further locations on the Fosse Way and Bradfield Cottages where widening is proposed (see **[REP6-061]**).

2.5.8. It is SLD's position that, assuming the latest proposals can be implemented, sufficient passing opportunities for HGVs can be delivered on Alderton Road and the Fosse Way. On the road to Sherston, there are sections where it is likely that HGVs will meet and be forced to mount verges or embankments. This remains a concern for SLD since the consequent spreading of mud and debris across the carriageway raises highway safety concerns. It is, however, recognised that the absolute number of HGVs using this section of the road to Sherston is significantly lower than in other areas.

2.5.9. SLD considers that the proposals for Bradfield Cottages fail to achieve an acceptable solution. The latest proposed widening of the bend south of the railway bridge will not eliminate the problem of HGVs meeting on the narrow section of Bradfield Cottages between The Street and the bend and the widening at and to the north of the bend will significantly reduce the area of verge that is currently used by pedestrians to step out of the paths of oncoming vehicles. A public right of way joins Bradfield Cottages immediately south of the bend.

2.5.10. The Applicant also offers no widening of the section of Bradfield Cottages between the railway bridge and the Flying Monk cafe where large HGVs are unable to pass without over-running footways, verges or embankments. This is a particularly sensitive area due to the presence of residential properties, areas of employment, the Flying Monk cafe and tap, numerous points where public rights of way join the lane and only very limited or absent footway provision (see latest submission from Hullavington Parish Council **[REP7-136]**).

2.5.11. The Applicant has submitted calculations of the predicted frequency of HGVs meeting on narrow sections of the access routes (see **[REP7-059]** and **[REP7-061]**). These do not provide confidence that there will be no instances of HGVs meeting on sections of lanes where they are unable to pass. On the contrary, whatever assumptions are made, the calculations demonstrate that regular meetings of HGVs on narrow lanes with no passing opportunities would occur.

#### Impact on Vulnerable Highway Users

2.5.12. The Applicant has consistently adopted the view that the number of vulnerable highway users affected by construction traffic is low and that the interaction between vulnerable highway users and construction HGVs would lead to no material impact (see **[REP6-061]**). SLD strongly disagrees with this view.

2.5.13. It is clearly evident from observations on site that Alderton Road, the Fosse Way and Bradfield Cottages are regularly used by cyclists, and Bradfield Cottages is regularly used by pedestrians. The high number of cyclists on the Fosse Way and Alderton Road is entirely consistent with the lanes constituting part of the popular Wiltshire Cycle Route. The Applicant's latest NMU surveys **[REP6-061]** provide indisputable evidence of the number of cyclists on these routes (average 41 cyclists on Fosse Way during weekday delivery hours and 93 cyclists during Saturday delivery hours).

2.5.14. The latest NMU surveys also identify equestrian movements on the construction routes and the ExA has received numerous submissions from individuals and equestrian facilities raising concerns about the conflict with construction traffic on routes regularly used by equestrians.

2.5.15. The Highway Code requires a road width of at least 5.5m for an HGV to safely pass a cyclist and 6.0m to safely pass an equestrian (more if the HGV is to maintain a safe distance from the opposite highway edge). These widths are

not available along most of Alderton Road, the Fosse Way, Bradfield Cottages and the road to Sherston. The Applicant adopts the view that the provision of passing places overcomes the safety issue with vulnerable highway users. SLD does not agree with this view since passing places are spaced to meet the needs of passing vehicles and, in practice, would not offer significant benefit for vulnerable highway users.

2.5.16. SLD has significant concerns that the matter of the safety of vulnerable highway users is not an issue that has properly been addressed by the Applicant (or, indeed, sufficiently pursued by the Local Highways Authority with the Applicant).

#### Under-Estimate of HGV Numbers

2.5.17. There has been significant discussion about the assumptions that the Applicant has made regarding the number of HGV movements generated during the construction period. These have led the Applicant to accept a level of HGV trip generation that is 37% higher than that used for the purposes of assessing the highways impact and transport environmental impact of the proposals. SLD considers that the level of HGV trip generation is still under-estimated for the following reasons (to which also see **[REP7-165]**):

- Although it is agreed that it is possible to transport 720 of the currently proposed 2.7m<sup>2</sup> solar panels in a single container, this relies on extremely efficient packing and the use of high cube containers. If the number exceeds the Applicant's current estimate of 842,500 panels or a different type of panel is used, it is likely to be impossible to limit the number of panel deliveries to 1,200 or less, the number that the Applicant currently proposes to be secured through condition;
- Information provided by the Applicant suggests that the allowance for the transport of panel mounting structures omits the foundations onto which the mounting structures are attached;

- The Applicant makes no allowance for the delivery of materials required for the drainage arrangements for the 400kV/BESS access track;
- SLD does not agree that all compound material can be re-used on site since compounds and other elements of the scheme such as access roads where it is suggested the material could be re-used will be operating at the same time;
- The Applicant assumes that 10% of spoil will be removed from site. SLD considers that this assumption is not a reasonable worst case and has adopted an estimate of 25% of spoil being removed;
- The Applicant makes no allowance for the transport of excavators, machinery and cranes. SLD identifies the need for 800 deliveries associated with this important element of the construction works. This is considered reasonable given that 10 compounds will be used.
- The Applicant makes no allowance for the delivery and distribution of large quantities of water that will be required over a significant period to ensure the establishment of new hedgerows and trees (see **[REP6-090]**).

2.5.18. The Applicant has recently changed the basis for assessing the impact of construction traffic (see **[REP7-059]** and **[REP7-061]**). Whereas, previously, an uplift of 50% was applied to represent the worst case associated with the inevitable day-to-day variations in construction activity, it is now assumed that a 50% uplift is only applied during the first three months of works within each solar area. There is therefore no allowance for day-to-day variation and other periods of peak activity are overlooked.

2.5.19. SLD considers that, as the Applicant has acknowledged the original under-estimates of HGV trip generation, the proposed methodology for identifying a reasonable worst case for the purposes of transport environmental impact assessment has 'evolved' to a point where there can be no confidence that a worst case is being assessed.



2.5.20. It should be noted that although SLD consider that predicted numbers of HGVs should be higher than suggested by the Applicant, whether SLD's or the Applicant's current estimates are used, the level of increase in HGV movements on the most sensitive parts of the local highway network are significant in transport environmental terms; in many cases the daily increases are in excess of 100%.

### Duration of Construction Works

2.5.21. During the Examination, the Applicant has acknowledged that the timescale for constructing the 400kV substation should be closer to 2 years than the originally assumed 6 months. Despite the duration of works more than tripling, the daily level of HGV movement has remained constant. The Applicant has suggested that it is the level of HGV movement rather than the duration of increased movement that is the determining factor. This is the case for matters of highway capacity but in relation to highway safety and non-motorised highway user amenity (and fear and intimidation), that are judged in terms of cumulative risk or perceived harm, the duration of impact is a determining factor. It is therefore SLD's view that the extended duration of works at Lime Down D with no accompanying reduction in daily construction HGV numbers constitutes an increased level of adverse transport environmental impact. The significance of this is increased by the fact that Lime Down D is accessed via Bradfield Cottages, one of the most sensitive areas in relation to adverse impacts affecting vulnerable highway users.

### Impact on Cotswolds National Landscape (CNL)

2.5.22. The CNL Board has consistently opposed the construction routes passing through the CNL. A threshold of potential adverse impact of 10% has been identified by the Board, consistent with CNL policy. The level of daily increase in HGVs passing through the CNL, using either SLD's or the Applicant's trip generation estimates, is over 100%.

2.5.23. The Applicant considers that the matter of tranquillity is related to landscape only and suggests that, in these terms, HGV movements are 'fleeting'. SLD considers that this approach is flawed and limited and overlooks the requirement set out in the ISEP Guidelines that transport environmental assessment should deal with impacts on vulnerable groups as well as natural and cultural resources.

2.5.24. The Applicant defines the sensitivity of the roads through the CNL as 'medium'. SLD concurs with the CNL Board that the sensitivity should be defined as 'high'. The magnitude of impact (>100%) is High leading to a Major significance of adverse effect. Even if the Applicant's assumption of 'medium' sensitivity is adopted, the significance of effect is Major/Moderate Adverse.

#### Interpretation of ISEP Guidelines

2.5.25. The Applicant adopts a rigid and partial interpretation of fear and intimidation as set out in the ISEP Guidelines. The Guidelines, however, make it clear that professional judgement should be used when assessing changes in fear and intimidation and matters such as the width of footways/margins should be taken into account. The Applicant considers that the increase in construction traffic, including daily increases in HGVs over 100% leads to a Minor Adverse effect in terms of non-motorised amenity and a Negligible Adverse effect in terms of highway safety on Bradfield Cottages and on the Fosse Way. SLD strongly disagrees with these conclusions for the compelling reasons that have been set out above and in SLD's submissions.

#### Impact on Grittleton

2.5.26. Grittleton has high sensitivity. The Street through the centre of Grittleton constitutes the route to two cable route access points, one of the cable route compounds and is the only means of access to the whole of the cable route to the north between Grittleton and the avoidance area west of Surrendell Farm. The Applicant concludes that construction traffic will have a negligible effect on

The Street in terms of severance and highway safety and a Minor Adverse effect in terms of non-motorised user amenity (including fear and intimidation).

2.5.27. SLD considers that by averaging cable route HGV movements over all access points, the impact of elevated levels of HGV movement at key locations such as those containing compounds on sensitive areas such as Grittleton have been under-estimated.

#### Overall Conclusion

2.5.28. SLD considers that the proposed development will lead to unacceptable highway safety impacts on vulnerable highway users on Bradfield Cottages and the Fosse Way and unacceptable adverse impact in terms of the tranquillity of the CNL. Such safety impacts engage the test in NPS EN-1 para 5.14.21 (as SLD's expert has maintained (see **[REP1-172]** at Section 7 and 13). Although the Applicant has conceded that the original estimates of construction trip generation were too low, SLD considers that there remain elements of construction activities that have been overlooked by the Applicant.

### **2.6. Glint and Glare**

2.6.1. The Applicant's assessment of the glint and glare impacts of the Scheme is wrong, understates the sensitivity of receptors, and fails to meaningfully assess effects at safety critical receptors. Without setting out all of SLD's submissions on glint and glare, attention is particularly drawn to **[REP1-178]**, Appendix B of **[REP5-130]**, and from para 2.1.36 of **[REP7-145]**.

#### Principal Findings

2.6.2. SLD acknowledges that that every occurrence of glint or glare will not be necessarily unacceptable. However, [REDACTED] key point in evidence has been that the significance of the effect cannot be decided by colour classification alone. Intensity is important, but so are duration, frequency, timing,

cumulative exposure, direction of travel, the task being undertaken by the receptor, and the consequence if that task is interrupted.

2.6.3. The independent ForgeSolar assessment prepared by Straten CSL modelled ten PV array zones with an overall panel footprint of approximately 563 hectares. It identified substantial annual yellow glare at road and rail receptors, including Road 1 (Fosse Way) at 47,246 minutes, Road 2 (Bradfield Cottages) at 47,503 minutes, Rail 2 at 26,868 minutes and Rail 3 at 11,834 minutes. These are not isolated or trivial events. They are sustained annual exposures towards receptors where the ability to see, interpret and respond to visual cues is safety relevant. These are effects which SLD considers to be significant given the sensitivity of the receptors involved, as set out in SLD's Deadline 7 submissions (**[REP7-145]**, para 2.1.55).

2.6.4. For aviation receptors, the same principle applies. The modelling identified more than 12,000 minutes of cumulative annual green glare on the Bowldown Farm RWY09 approach and more than 13,000 minutes on the Charlton Park RWY25 approach. Green glare is lower intensity than yellow glare, but it is not the same as no effect. For visual approaches at uncontrolled or small aerodromes, the operational relevance of a sustained visual distraction needs to be considered with the operator of the airfield.

2.6.5. A key example of this is Badminton Airfield, where pilots rely on visual cues in the landscape to position themselves around the airport and know where to land. If yellow glare is predicted towards visual circuits, the conclusion that it can be operationally accommodated must be confirmed by the people who operate and use the airfield, using both qualitative and quantitative information. The Applicant's post-hearing submissions for ISH5 confirms that there has been no contact with the operator of Badminton Airfield.

#### Methodology and Validation

2.6.6. [REDACTED] methodology is a useful assessment tool for smaller and less complex developments, but it should not be treated as a sufficient answer in itself to all cases. Large, complex developments require additional considerations, and in the case of Lime Down, should not be treated as a single development but a complex of developments. At the meeting on 25 June 2026, [REDACTED] explained that its guidance and thresholds were derived from its experience and use on other projects. SLD does not consider that experience, or the fact that a methodology has been used on previous schemes, is the same as independent validation or endorsement by the relevant aviation, highway or rail authorities. See, for example, SLD's submissions at Deadline 7 from para 2.1.41 **[REP7-145]** concerning the methodology and its use for road and rail receptors.

2.6.7. The same concern applies to the software. [REDACTED] confirmed at that meeting that its own software had not been independently validated but had instead been validated through use on numerous assessments. That is not how technical software is normally validated. Results should be reproducible or capable of being checked against an independent model. The Applicant now refers to comparisons with ForgeSolar and says the results are very similar. If that comparison is relied on, the comparison should be provided in enough detail to show the inputs, receptor locations, array geometry, panel assumptions, outputs and differences. A general statement of similarity is not a substitute for evidence.

2.6.8. Even if a comparison with ForgeSolar confirms similar reflection predictions, that only addresses the modelling stage. It does not validate the later judgement about whether those reflections are acceptable. That judgement still needs to consider the operational environment, the receptor's task, cumulative and multi-directional effects and human factors. Those issues are especially important at Lime Down because of the scale and spread of the development.

#### Applicant's response



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2.6.9. [REDACTED] does not consider that the Applicant's Deadline 7 responses [REP7-121] paragraphs SLD-103 to SLD-118 answer the outstanding technical issues. In relation to Badminton Airfield, the Applicant maintains that yellow glare is acceptable because it is predicted towards visual circuits rather than the most sensitive approach paths. That does not answer whether the visual circuit effect is operationally acceptable to the airfield operator. A visual circuit is still part of the flying operation.

2.6.10. In relation to green glare, the Applicant relies on the former FAA/Sandia intensity threshold and states that duration is not a key factor where the glare remains green. SLD disagrees with that as a sufficient assessment approach. Excluding duration, frequency and cumulative exposure is a safety-critical flaw in the assessment and leaves the Applicant's conclusion on operational acceptability unsupported. The FAA/Sandia classification helps describe intensity; it does not remove the need to assess prolonged and cumulative exposure in the actual operating environment. The absence of a numerical duration limit is not evidence that duration, frequency and cumulative exposure are irrelevant.

2.6.11. In relation to the Pager Power guidance, the Applicant acknowledges that the guidance has not been formally validated but relies on its use and acceptance in other projects. That does not answer the point. Project acceptance is not the same as technical validation. Nor does the absence of other formal guidance mean that a proprietary methodology can be applied without transparent thresholds or independent scrutiny. Current CAA CAST guidance reinforces the need to consider the operational context of the affected aerodrome. That is consistent with, not contrary to, the approach SLD's expert has set out.

2.6.12. Finally, the Applicant's response to the software validation issue largely notes SLD's comments or refers back to earlier answers. It does not provide the comparison needed to allow independent review. The unresolved distinction remains simple: use of a model many times may show experience in applying it,

but it does not show that the model has been independently checked or that the subsequent acceptability judgement is sound.

### Conclusion

2.6.13. SLD considers [REDACTED] assessment method to be wrong for Lime Down's configuration. The Scheme comprises five solar parcels separated by substantial distances. Treating them as one development does not justify assessing their operational effects as though they form one contiguous panel area. The specific error is applying generic acceptability criteria without evaluating how reflections from the separated parcels combine at the same receptor and affect it from different directions. The assessment should first identify each parcel's contribution, then assess the combined effects at each affected receptor, including simultaneous or sequential exposure and changes in the direction of glare during an approach or journey. The Applicant's dismissal of the duration and spread of green glare in SLD-107 excludes factors essential to that assessment.

2.6.14. It should be noted that SLD's Deadline 1 evidence [REP1-178] already provided array-by-array ForgeSolar results, cumulative receptor totals and the underlying modelling outputs. For example, it reported an aggregate annual green glare total of 13,340 minutes on Charlton Park's RWY25 approach from eight contributing arrays. This demonstrates why the operational consequences of exposure to multiple sources must be assessed. The Applicant's conclusions on cumulative and multi-directional operational acceptability remain unsupported. Before relying on those conclusions, the SoS should require an assessment demonstrating how the separate parcel contributions combine, how their timing and direction affect each receptor, and why the resulting exposure is acceptable, with confirmation from affected aviation stakeholders where operational acceptability is asserted.

2.6.15. The failure to evaluate the cumulative and multi-directional operational effects of glare from the Scheme's separated solar parcels is a safety-critical flaw in the PagerPower assessment. In particular, dismissing the duration and spread of green glare leaves the operational consequences of prolonged or repeated exposure from different directions unassessed. The Applicant's conclusions that those effects are low, acceptable or operationally accommodatable are unsupported and cannot be relied upon by the ExA or the SoS. Before those conclusions can be relied upon, the Applicant must demonstrate, through an assessment of the combined effects at each affected receptor, that the predicted exposure is operationally acceptable and that any mitigation relied upon is effective.

## **2.7. Noise Impacts**

### Introduction

2.7.1. Throughout the Examination SLD has raised concerns that the adverse noise impacts of the Scheme weigh against the grant of development consent. The focus of SLD's concern has been the Applicant's approach to the assessment of operational noise effects, including the methodology used to identify a baseline for those noise effects. However, the Applicant has also failed to consider how noise, both at the construction but also the operational stage, interacts with sensitive receptors. In summary, some of the key points that SLD has made are the following:

- That the Applicant's methodology in identifying a baseline  $LA_{90}$  is inappropriate, failing to fully reflect the tranquil noise setting and low background conditions which exist in the site surroundings and instead choosing a baseline aimed at a median value.
- That the Applicant has failed properly (or at all) to assess the effects of operational noise on sensitive receptors, including public rights of way and heritage assets.
- That, overall, the Applicant has adopted an approach which is not consistent with the Noise Policy Statement for England (**NPSE**), targeting noise effects

below the Significant Observed Effect Level (**SOAEL**) and not seeking to mitigate and minimise noise effects above the Applicant's own identified Lowest Observed Adverse Effect Level (**LOAEL**).

- That the Applicant has improperly disregarded construction noise effects on horses and sensitive businesses.

2.7.2. SLD are properly concerned that the Scheme would represent a fundamental change in how the setting of the site is experienced, moving tranquil receptor locations from a rural soundscape, specifically characterised by natural sounds and the absence of industrial noise, to a soundscape containing a constant industrial noise.

2.7.3. SLD draws attention to the following sections of its submissions in the Examination, which provide some of its key noise submissions: **[REP1-179]**, Appendix C of **[REP2-051]**, **[REP3-173]** from p.58, **[REP4-132]** from p.121, **[REP5-130]** from p.80, **[REP6-081]** from p.42, and section 2.4 of **[REP7-145]** (concerning construction noise effects on equine businesses).

#### Methodology

2.7.4. From the outset of the Examination, SLD has taken issue with the Applicant's approach to the identification of the background noise level ( $L_{A90}$ ) around the site. The approach taken by the Applicant has fundamentally detached the figure for background noise from that which was actually measured by the Applicant.

2.7.5. First, there have been flaws in how the Applicant has approached actually measuring the background noise level. While it is accepted that some data has finally been removed by the Applicant to respond to meteorological condition which are inappropriate for assessment of the background, this has been done in a haphazard and inconsistent way (see para 3.8.1-3.8.4 of **[REP7-145]**). Among other things, wind speed (identified as a problem throughout the Examination, see from para 5.24 of **[REP1-179]**) has been disregarded notwithstanding the direction in BS 4142 to take a precautionary approach to wind effects.

2.7.6. More fundamental, however, is the Applicant's approach to background noise which bears little (and in some cases no) relation to figures actually recorded from on-site measurement. In SLD's Written Representation its expert commented on LT8 as an example, where background figures selected by the Applicant were 36 dBL<sub>A90</sub> for the daytime and 29dBL<sub>A90</sub> for the nighttime, notwithstanding that these selected figures excluded a sizeable number of measurements which fell below those thresholds. Indeed, in the daytime more than 50% of the figures fell below 36 dBL<sub>A90</sub>, and extended to up to 11 dB lower ([REP1-179], from para 5.7). While SLD has accepted throughout that picking the lowest figures may not always be appropriate (albeit it is precautionary), the Applicant's approach artificially skews the background noise to a higher level than is representative. For LT8, SLD's expert concluded that an appropriate representative value would instead be 30 dBL<sub>A90</sub> in the daytime and 23-25 dBL<sub>A90</sub> in the nighttime. That represented the lower range of background levels, without choosing the lowest, and reflects a proper approach to the evidence and guidelines.

2.7.7. SLD's expert has doubted throughout that the Applicant's approach is consistent with BS 4142, and the ANC BS 4142 guidance note. Where there is a large range in measured data and thus uncertainty, it is inappropriate to exclude much of the data (by, for example, picking an average, often more than half of the data). A background level towards the lower end of the range is appropriate. See also SLD's expert's analysis of LT12 which is the receptor closest to Bradfield Manor (from para 5.18 of [REP1-179]).

2.7.8. However, the Applicant's defective approach to selecting a background level goes further. That is because in disregard to the actual measured background levels, the Applicant has departed from the core BS 4142 approach and set a fixed minimum background level of 30 dBL<sub>A90</sub>. That means, for those occasions where the background level (even applying the Applicant's defective approach) falls below that figure, the background is set to that figure. This approach elevates the baseline and consequentially elevates the LOAEL and SOAEL threshold such

that they are disconnected from the actual background levels. Ultimately, this is an approach which disregards the approach in BS 4142; while that guidance accepts that “*absolute levels might be as, or more, relevant than the margin by which the rating level exceeds the background*”, this does not direct the substitution of one for the other. That is the effect of the Applicant’s approach (see Section 6 of **[REP1-179]**; NV2.3 of **[REP5-130]**).

2.7.9. Ultimately, the Applicant’s approach is a ‘one size fits all’ approach which is not appropriately sensitive to the measured background. That can be seen from para 6.24 onwards of **[REP1-179]** which provides a worked example. This has resulted in a disconnect between the thresholds identified by the Applicant for assessing noise effects in EIA terms. That approach is not consistent with BS 4142, departs from a consistent and logical approach to assessment, and ultimately leads to a conflict with NPS EN-1 and the NPSE. As a result, the Applicant fails to clearly define the likely significant effects of the Scheme (Section 7, **[REP1-179]**).

#### Operational noise effects on sensitive receptors

2.7.10. An important cross-cutting issue that SLD has raised throughout the Examination is the effects of the Scheme on public rights of way. It is disappointing, then, that the Applicant’s assessment failed to assess noise effects on such PRoWs. That is the case notwithstanding the recognition of the protections for such public assets for protection in NPS EN-1 and NPS EN-3 (see from para 5.33 of **[REP1-179]**).

2.7.11. SLD’s expert conducted an analysis for PRoWs from para 5.31 of **[REP1-179]**. That identified a number of such PRoWs where noise effects from industrial and electrical infrastructure was in excess of 50 dBL<sub>Aeq</sub>: SHER16, NORT1, SHER18, LUCK57, NORT1, NORT10, HULL 1, HULL1-2, HULL4-7, and MALW59. The Applicant’s attempt to dismiss this as limited due to kinetic use of PRoWs, or to characterise these effects as comparable to regular conversation, misses the point that this means consistent electrical noise sufficient to interrupt



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conversation will be experienced along considerable lengths of currently rural and tranquil walking. It is simply wrong to suggest that noise effects on PRowWs will be “akin” to the existing conditions.

2.7.12. From a policy perspective, the Applicant has referred to the WHO guidelines on community noise for “*outdoor living areas*” (see from para 5.37 of [REP1-179]). Not only does this identify 50 dBL<sub>Aeq</sub> as “*moderate annoyance*”, but in any event, SLD consider the proper guideline relevant to PRowWs in recreational use is “*outdoors in parkland and conservation areas*” where the guidelines state “*existing quiet outdoor areas should be preserved and the ratio of intruding noise to natural background sound should be kept low*”. The overlay available at para 5.39, and also which can be examined using SLD’s Appendix Z (applying the PRowW and operational noise overlays), clearly demonstrates the extent of such routes which will lose the existing tranquil setting which these guidelines identify as applicable. That is an effect which ultimately comes together with other amenity effects on PRowWs to have a significant negative effect on their use and enjoyment.

2.7.13. Aside from PRowWs, SLD’s noise expert also noted noise effects on sensitive receptors such as heritage assets. There is no doubt that such noise effects can adversely affect the setting of such assets, and from para 5.18 of [REP1-179] this is considered in respect of Bradfield Manor. This issue is addressed by SLD’s heritage experts and explored above.

### Compliance with NPSE

2.7.14. To achieve policy compliance for noise, both in respect of NPS EN-1 and the NPSE (see para 4.1-4.7 of [REP1-179]), the Applicant is under a duty to avoid SOAEL effects and mitigate and minimise LOAEL effects. Applying even the Applicant’s own SOAEL and LOAEL thresholds, it has failed to engage with that latter obligation in respect of LOAEL effects.

2.7.15. Nowhere is this more apparent than at Bradfield Manor, which is both a Grade I listed heritage asset, but also an occupied dwelling. While, on a small number of occasions, the Applicant now undertakes to reduce effects below LOAEL for receptors in the OOEMP (see Table 8 of **[REP7-076]**), that does not extend to those receptors that the Applicant merely undertakes to avoid SOAEL effects for. SLD has consistently criticised this approach (e.g. NV1.6 **[REP4-132]**, NV2.4 **[REP5-130]**) as inconsistent with the NPSE and the requirement to mitigate and minimise LOAEL effects.

2.7.16. Attempts by the Applicant to characterise its LOAEL as higher than is typical for solar schemes is neither accepted as a justification for not complying with the NPSE, and in any event does not reflect the true background level (as analysed above) (see NV2.3 and NV2.4 of **[REP5-130]**; NV2.4 of **[REP6-081]**).

#### Construction effects on horses

2.7.17. At ISH8 SLD raised significant concerns related to noise effects of construction on horses. As explained at para 2.4.9 and 2.4.15 of **[REP7-145]**, SLD identified from the Applicant's own noise assessment that increase in noise of at least 11 dB at West Park Farm and 7 dB at Ladyswood Farm and Stud would be experienced (respectively reflecting 56 dB at R14, 350m from the red line area, and 57 dB at R30, 160m away from the red line area). In the updated Equine Business Report **[REP7-122]** noise contours have been provided (PDF pp.78 and 79) applying different noise metrics ( $L_{Aeq, 16h}$  dB(A) 1.5m, rather than the  $L_{Aeq, 12h}$  dB(A) in the Environmental Statement (**ES**) chapter on Noise and Vibration **[REP5-025]**). In any event, what these metrics show is that (at the very least) the noise effects measured at the receptors reflect the surrounding fields in equine use and (as is apparent from the plots for West Park Farm), some of the key fields have noise effects in excess of the measurement at the receptor (being in a different contour bracket).

2.7.18. SLD remains of the view, supported by both the expert evidence that it has provided, but also the expert evidence that was heard at ISH8, that the evidence to support habituation to these noise effects without adverse impacts on horses is flimsy at best (see para 2.4.19 of [REP7-145] citing academic literature).

## **2.8. Water Environment and Flood Risk**

2.8.1. Throughout this Examination, SLD has benefitted from the input of [REDACTED] who has conducted an ongoing review of the Applicant's flood risk and drainage documentation. Broadly, [REDACTED] concerns have been three-fold: (i) that the Applicant's FRAs had generally downplayed the flood sensitivity of the site; (ii) that the Applicant has not proposed any effective means of mitigating the off-site flood risk generated by solar panel runoff; and (iii) that the Applicant's FRAs generally failed to meet the requirements of NPS EN-1. At the conclusion of this Examination, those concerns persist. SLD continues to maintain that the Applicant's evidence is insufficient and that the increased flood risks of the Scheme should weigh against the grant of development consent.

2.8.2. Separately, SLD would also invite the Secretary of State to conclude that this is a case where an exception to the CNP Infrastructure presumption is engaged as the Scheme gives rise to an unacceptable risk of onshore flood (per NPS EN-1 para 5.8.42 and para 4.2.15).

2.8.3. SLD notes that it has submitted evidence at most deadlines related to flood, and does not list them here. Its flood submissions in its Written Representation were at [REP1-174] to [REP1-177].

### The Applicant's FRAs downplay flood sensitivity

2.8.4. As the ExA is aware, flooding is a major concern of the local population, with over 700 of the Relevant Representations submitted in response to the Scheme

mentioning it as an issue. The local community experiences this area as one which encounters flooding virtually every winter, which can be seriously exacerbated by large storms, such as Storm Bert in November 2024 and Storm Claudia in November 2025. Those storms caused floods to propagate down the Bristol Avon to larger settlements such as Chippenham, Melksham and Bradford-on-Avon, causing more widespread damage.

2.8.5. SLD's hydrology expert explained the flood sensitivity as being caused by the presence of shallow soils with impeded drainage, which have low infiltration and storage capacity leading to rapid runoff.

2.8.6. However, the Applicant's FRAs have downplayed this flood sensitivity. A key example of this is the Applicant's assessment of the Gauze Brook. Where the Applicant has modelled the Gauze Brook and Rodbourne Brook, the outputs have not been checked against the available gauge data. When that data is utilised, the outputs show that the models substantially underestimate flood peaks. For example:

- Gauze Brook: The Applicant's modelled 30-year return period input flow is given as  $10.1 \text{ m}^3\text{s}^{-1}$  – in other words this flow should be exceeded once every 30 years on average. The data show that this output flow was exceeded at least 25 times in the last 30 years. The highest flow was Storm Bert in November 2024. Storm Bert was approximately a 1% AEP event which should have a flow peak of  $13.5 \text{ m}^3\text{s}^{-1}$  according to the Applicant's modelling [REP7-16] Table 3. The observed flow peak for Storm Bert was  $31.58 \text{ m}^3\text{s}^{-1}$ .
- Rodbourn Brook: The Applicant's analysis [REP7-108] suggests that a flood peak with a 30-year return period should be  $9.31 \text{ m}^3\text{s}^{-1}$ . In other words, a peak of this size should occur once every 30 years on average. The data show that there were 27 peaks in excess of this value in the 30 years since 1996. This suggests that the maximum flood peak for the Rodbourne Brook is being seriously underestimated.

The FRAs fail to properly assess, quantify, and mitigate surface water runoff from the panelled areas

2.8.7. SLD applied the only evidence-based model of solar panel runoff, PV-SMaRT, to the Lime Down Scheme. The modelling showed that on four of the five soil types in the catchment, even quite modest rain events would generate excess runoff from the panel areas. The type of grass sward proposed by the Applicant was insufficient to mitigate this ([REP5-130] at Appendix D).

2.8.8. SLD notes that the Applicant has produced a response to SLD's Deadline 6 Submission [REP7-130]. SLD's hydrology expert considers that response in Appendix C to this Closing Summary Statement. The Applicant has also used the PV-SMaRT model to demonstrate that the part of the area which is existing arable land also generates excess runoff, and that in some cases this is greater than that from the panels. SLD accepts this but points out that not all the area to be covered is arable, and that panels on existing grassland will increase runoff on the sensitive soils considerably. The PV-SMaRT Model also showed that the use of large panels, e.g. the tracker panels being proposed by the Applicant, would cause more runoff than conventional-sized panels.

2.8.9. Soil compaction will also exacerbate these risks. The Applicant recognises the risks of soil compaction due to construction activities and proposes a set of measures to mitigate them. SLD believes that these will be insufficient on the most sensitive soils, which according to the National Soils map are (a) unusually susceptible to compaction and (b) in some cases difficult to remediate. The mitigation measures are described only in outline. The Applicant recognises most of these issues and tends to claim that they are "*secured*" by the various outline management plans, but these plans lack the detail to be confident of their effectiveness.

2.8.10. The Applicant's latest flood risk maps show that the majority of panel areas are hydrologically connected to the drainage network, either via formal

drainage channels and watercourses, areas with a high risk of surface water flooding, or being built directly in flood zones. This will accelerate runoff and likely lead to off-site flooding.

2.8.11. Overall, SLD asserts that the fact that a large area of the Lime Down site is covered by clay soils with poor infiltration capacity which readily generate runoff, are vulnerable to compaction and difficult to remediate means that the Applicant's assumption that planting a grass sward will be sufficient to alleviate any issues is incorrect. The PV-SMaRT modelling shows that there is a substantial risk of excess runoff from these areas even with quite modest storm events. The risks are increased by the use of large panels for which there is little precedent in the UK, and which have to be oriented unfavourably in relation to the ground slope.

2.8.12. The Applicant's assumption that sowing and maintenance of a grass sward under the panels will be sufficient to mitigate runoff is thus unfounded, and the excess runoff will thus increase flood risk off-site, contrary to NPS EN-1. This is also supported by a review of the academic literature, as presented in SLD's Written Representation, Appendix F2 **[REP1-175]**.

2.8.13. Regardless, the grass sward under the panels will take time to develop, and during this time the sensitive soils will be very vulnerable to excess runoff and erosion. The soil and vegetation under the panels is recognised to be under stress due to shading and protection from rain, and excessive water under the drip points. The predicted effects on climate change over the next 60 years will exacerbate this issue. Drought years such as 2026 will leave the area vulnerable to excessive runoff if rainfall resumes abruptly.

2.8.14. Following ISH5, the Applicant has updated the OOEMP **[REP7-076]** to provide that "*where remediation efforts have failed or cannot be established within a reasonable timeframe to ensure flood risk is managed, temporary SuDs will be implemented to prevent any increases in runoff offsite.*" For the avoidance of

doubt, SLD welcomes that step. However, in the absence of detail from the Applicant in respect of the type of temporary SuDS in place or the identified trigger for such SuDS being put in place, SLD cannot confidently conclude that off-site panel runoff will be effectively mitigated.

### Fundamentally, the FRAs are inadequate

2.8.15. The FRA consists of a Covering Report [REP7-040] and individual reports for different areas of the Scheme, now in their 6<sup>th</sup> iteration, [REP7-042], [REP7-044], [REP7-046], [REP7-048], [REP7-050], [REP7-052], [REP7-054], and a separate FRA for the cable route [REP3-063].

2.8.16. As SLD has submitted throughout the examination, the Applicants FRAs do not meet the minimum requirements set out in NPS EN-1 para 5.8.15. The Applicant's consistent response appears to be that FRAs are only required to be "*proportionate to the risk and appropriate to the scale, nature and location of the project*". SLD's view is that Lime Down is a very large-scale project; the nature of the project is that it will increase runoff rates and amounts and thus increase flood risk; and the project is proposed in an area of high flood risk with significant implications for communities both on-site and downstream. This is thus a high risk, large-scale project in a sensitive area. A proportionate FRA would therefore need to be detailed, quantitative and consider all aspects of flood generation

2.8.17. A key example is the requirement to consider and quantify the different types of flooding and include necessary information in NPS EN-1 para 5.8.15. In particular, the Applicant's FRA fails to provide necessary information on flood likelihood speed-of-onset, depth, velocity, hazard and duration. Generally, the Applicant's FRAs only provide information on depth, because dynamic modelling would be required for the other values. While the Applicant has prepared hydraulic modelling reports for the Gauze Brook and Rodbourne catchments, dynamic results such as hydrographs, speed of onset (e.g. time to peak data), or flow velocities are not presented.

2.8.18. The requirements for an assessment of flood likelihood, speed-of-onset, depth, velocity, hazard and duration in NPS EN-1 para 5.8.15 is so that flood risk off-site can be effectively assessed, as this information is necessary to estimate the risks to houses and transport infrastructure. In the absence of such evidence, the Applicant has to rely on the view that flood risk from hard surfaces is fully mitigated, and that there will be no additional flood risk from the panel areas. Hence, when the Applicant is asked about the risks to Farleaze Farm and cottages by Norton Brook, it can only answer that there is no risk because there is no excess runoff. SLD contends that excess runoff from the panel areas will affect both these places. The Applicant's assumption that there will be no excess runoff has prevented it from assessing the risks to communities downstream on the Bristol Avon, such as Chippenham, Melksham and Bradford-on-Avon.

### The Sequential and Exception Tests

2.8.19. The Sequential Test was applied as described in Annex C to the original Planning Statement **[APP-267]**.

2.8.20. The Sequential Test (NPS EN-1, para 5.8.9) aims to direct development away from flood-prone areas. The Applicant is required to demonstrate that the development could not reasonably be re-located into a lower flood risk area. Where the Sequential Test has not been met, The Exception Test requires the Applicant to demonstrate that:

- Development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and
- The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

SLD contends that it fails on both these counts.

2.8.21. NPS EN-1 para 5.8.12 also emphasises that there should be no net loss of floodplain storage. The Applicant has demonstrated this for the floodplain area above Corston, where panels will be installed on the floodplain, but not in Area C1 where an electricity substation is to be installed in a flood risk area.

### Conclusion on Flood Risk

2.8.22. The Scheme is proposed in an area which is already prone to flooding. On the evidence before the ExA, the Scheme will make that flooding worse. The Applicant's FRAs do not meet the requirements of NPS EN-1: they do not assess flood risk, the hydraulic models relied upon should be cast into doubt when compared to actually observed flood peaks and extents, and the Applicant's central assumption, that grass swards will prevent increases in runoff, is untested. Having failed the Sequential Test, the Applicant does not meet the Exception Test. It has not been shown that the Scheme will be safe for its lifetime "*without increasing flood risk elsewhere*." Flood risk and drainage should therefore weigh against the grant of planning consent.

### Outline Water Resources Strategy

#### *Introduction*

2.8.23. At ISH7 SLD and others raised a number of concerns about the Applicant's Outline Water Resources Strategy (**OWRS**). At Deadline 7 the Applicant submitted an updated OWRS **[REP7-070]**, and SLD comments upon it here (including by reference to the OLEMP **[REP7-082]** and the obligations to maintain mitigation and enhancement planting, along with grassland, secured therein). It is particularly useful to consider the tracked change version of the OWRS, as it reveals not only the substantial changes that the Applicant has needed to make to that document, but also illustrates that many of its assumptions (and, indeed, agreements with water undertakers) were not sustainable when scrutinised.

2.8.24. The obligation on the Applicant pursuant to the EIA Regulations is to describe likely significant effects of the Scheme. It is obvious that the Applicant has failed to do this. It is open to the ExA (and the SoS) to conclude that the Applicant has failed to meet the requirements of the EIA Regulations in this regard, and thus conclude that the ES is not adequate. It is also open to the ExA (and the SoS) to conclude that the Applicant has failed properly to meet the requirements of avoidance and mitigation in NPS EN-1 para 4.2.15 in respect of water usage and effects, and thus that this is a reason that the CNP Infrastructure presumption does not apply. In any event, it is also open to the ExA (and the SoS) to take a precautionary approach to assessment of water effects and weigh them against the Applicant. SLD consider these are appropriate conclusions in light of this defective and insufficient OWRS.

*Commentary on the OWRS*

2.8.25. The OLEMP has, since its first iteration, secured extensive requirements on the Applicant to water and maintain mitigation and enhancement planting, along with grassland. Notwithstanding this, it is apparent from the updated OWRS at para 3.2.1 and Section 3.11 that the Applicant has simply failed to assess the required need for water to maintain that planting and vegetation.

2.8.26. This is most obviously the case from Table 3-8 which provides a summary of the construction water demand, and Table 3-9 which provides a summary of the operational and maintenance water demand. Neither attempts at all to provide a figure for water use for maintaining such planting and grassland; nor does either attempt to provide a daily usage figure from which the supply required can be calculated.

2.8.27. In respect of the grassy sward, the Applicant accepts again in the OWRS the importance of that vegetation as a mitigation of surface rainwater run-off causing flood (para 3.11.4). However, the Applicant then goes on to state that it has made no attempt to assess any need to water such vegetation on the basis

that it is a “*localised contingency measure*” and that as a result “*a fixed water requirement is not assigned to it*” (para 3.11.5). Given SLD’s evidence in respect of flood, but also the evidence heard at ISH5 and ISH7, SLD considers there is a patent failure here to consider the reasonable worst case (which is that substantial portions of the grassy sward do not establish without water). It is impossible to understand how the Applicant considers it can draw upon the water supplies identified in Section 4 to address this requirement (see para 3.11.10) as it has made no attempt to assess this issue. This is assertion with no evidence at all (before considering the significant issues with water supply addressed below).

2.8.28. The position in respect of “*Landscape Planting Establishment*” is even more problematic. Unlike the grassy sward, the Applicant is aware and under a specific duty arising out of the OLEMP [REP7-082] to water this vegetation. While new text at para 1.3.26 of the OLEMP indicates that the programme will be “taking account of available water resources”, the Applicant has not in fact assessed whether there is any such resource available *at all* to meet the needs of the OLEMP. It is worth noting that the obligation is that new vegetation will be “*regularly watered in their first summer*” in respect of hedgerow (para 1.3.39), hedgerow trees (para 1.3.54), and woodland and shelterbelt (para 1.3.64), and scattered trees and native shrubs (para 1.3.74). The need for such water will undoubtedly arise.

2.8.29. It is also aware of the extent of the planting that it proposes and that it will come under a duty to maintain (From the ES chapter on Ecology and Biodiversity [REP7-022]:

- New native broadleaved woodland: 11.37ha (para 9.10.121).
- New hedgerow: 15.74km (para 9.10.140).
- New trees: 9.43km (para 9.10.140).

2.8.30. Notwithstanding these figures are known, and notwithstanding that there are published guidelines for volumes of water required for establishing vegetation

(e.g. the Arboricultural Association: An Introductory Guide to Young Tree Establishment), the Applicant has made no attempt to assess this effect which will necessarily arise under the requirements of the OLEMP. Indeed, there is not even an explanation of why the Applicant has not sought to provide an estimate for watering on a reasonable worst case basis (which properly applies a precautionous approach). Given the known extent of vegetation and industry guidelines on volumes of water, this is not a basis where there cannot be a meaningful assessment of this effect. The Applicant has simply not done it.

2.8.31. For the avoidance of doubt, this is different to the question that the Applicant suggests cannot be answered at para 3.11.15 of the OWRS: there the Applicant is trying to consider what is most likely to happen (i.e. it is, correctly, noting that predicting the future is difficult). However, as is seen (e.g.) with estimates of HGV movements, that is not what the Applicant is required to do. Rather, it is required to assess the water needs of the Scheme on a reasonable worst-case basis. It has simply not attempted to do so here.

2.8.32. The suggestion in the OWRS at para 3.11.13 that “*establishment watering is therefore intermittent*” is, based on the text of the OLEMP, simply wrong. It also bears no relationship with reality. Notice can be taken of the considerable drought conditions which were experienced in the summer of 2026 while the Examination was taking place. The suggestion that such watering would be “*intermittent*” cannot sit alongside OLEMP, the effects of that drought in 2026, and the likelihood of such drought conditions in the future.

2.8.33. SLD has seen a draft copy of the Summary Closing Statement of [REDACTED]. It is noted that there she provides an estimate of what the watering requirements of the Scheme could be, given the available figures and published guidance. She concludes that, for the three items of vegetation identified above, 350 m<sup>3</sup> of water per day may be required in summer, more than 13 times the peak operational and maintenance water demand of the Applicant

in Table 3-9 at 25.65 m<sup>3</sup> per day (and over double the construction phase water requirements). This demonstrates three things:

- First, calculation of a figure is possible and appropriate given the known statistics for the Scheme and the application of industry guidance. It cannot be said that such a figure cannot be meaningfully calculated (even if the Applicant disagrees with the figure produced by [REDACTED]).
- Second, a reasonable worst-case assessment is likely to conclude that the Applicant has underassessed water requirements by an order of magnitude.
- Third, even on a far more cautious assessment (e.g. if the water requirements of the vegetation are halved), the operational figures for water need would still be 5-7 times higher than those assessed by the Applicant.

2.8.34. This is a clear and obvious failing by the Applicant. Not only that, it is a failure to do precisely what the ExA asked the Applicant to do: Action Point 29 asked the Applicant to provide Wessex Water “*the worst-case scenario for water requirement (to include landscape watering)*” [EV13-010]. The inclusion of the words “[a]ll of the water required by the Scheme has been identified and quantified” at para 1.1.19 is similarly wrong.

### *Scheme supply*

2.8.35. Turning to the issue of supply, the Applicant’s approach is similarly defective. As has already been noted above, the Applicant has not complied with Action Point 29 because it has not even attempted to provide Wessex Water with the necessary reasonable worst-case assessment required for that undertaker to provide confirmation of supply.

2.8.36. In respect of para 4.2.1, it is noted that the Applicant is not assuming supply from Wessex Water. That being the case, for assessing the reasonable worst case of the Scheme it should be assumed that this supply is not available. The same is also true of borehole supply (Section 4.4), and Surface Water (Sections 4.5 and 4.6) (which, in any event, do not appear to be able to provide sufficient flows for even the Applicant’s assessment of the needs). That is

particularly the case given the constraints on borehole water extraction in the locality.

2.8.37. In respect of Bristol Water and the connection at field A1, it is telling that the Applicant has struck through (among other words) “*sufficient to provide*” in para 4.4.2 and “*to meet its peak, total and average water demands*” in para 4.2.3. Such deletions are obviously necessary, because even on the Applicant’s figures the intermittent provision of 7m<sup>3</sup> per hour is unlikely to meet its own assessed needs (on a reasonable worst case). As to the substantially higher needs for vegetation watering already discussed above, there is no reasonable basis to conclude that the Bristol Water connection is sufficient on its own.

2.8.38. In addition to water undertakers, the Applicant also refers to provision from Greens H<sub>2</sub>O for “*Water Tankering*”. The amended text states “*they were capable of meeting the peak construction phase demand of the Scheme as advised to them*” (para 4.3.2). Given no assessment has been made of the water requirements for vegetation in the construction phase, this is incorrect. Indeed, it is not clear what “*peak*” figure the supplier has confirmed, nor indeed whether Greens H<sub>2</sub>O have been told of the requirements for such vegetation. In any event, this is not provision for the operational period, nor is this provision for the substantial additional amounts of water required.

2.8.39. Given these are the two modes of water provision considered properly useable by the Applicant, it is telling that the Applicant has not said in terms that it has provided details of the water required for the vegetation to these providers and secured agreement. The deletions throughout the OWRS are telling in this regard. On a reasonable worst-case basis, the conclusion to draw is that the Applicant has not secured a provider for the large amounts of water that it requires for the Scheme.

*Effects related to water supply*

2.8.40. Aside from the obvious flaws in the OWRS, there are also the effects which arise indirectly from the need for water for the Scheme. The Applicant has made no proper attempt to assess these either.

2.8.41. The Applicant recognises at para 4.1.3 that distribution of water around the Scheme would be by way of bowser. It does not appear that the Applicant has assessed the highways effect of that which, at the height of summer, is likely to result in a significant increase in the number of vehicles on the roads around the Scheme (likewise during harvest). That is particularly given that the figure of 450 tankering trips at para 4.2.4 has not been updated to reflect the need for watering of planting etc. already described above. Were there to be a tenfold increase in the amount of water required, a concomitant increase in vehicle movements would also follow. SLD refers back to its highways evidence throughout the Examination.

2.8.42. Further, it should be noted that this is proposed from parcel A1 (para 4.2.2). No explanation of the access and egress from parcel A1 specifically for bowzers is provided. Not only that, this is a parcel which immediately adjoins the CNL, and which the Applicant has otherwise secured for mitigation (in the form of habitats management area – see Works Plans **[REP6-004]**). It is unclear whether the CNLB are aware of the proposed use of parcel A1. It does not appear that the Applicant has assessed any effects of such works of distribution and vehicle movements in the setting of the CNL immediately adjoining its boundary.

2.8.43. As was already referred to above, the availability at field A1 from Bristol Water is described as 7m<sup>3</sup>/hour and not continuous (para 4.2.2). There does not appear to have been any assessment taken of the effect of such water being drawn at this location on the surrounding network.

2.8.44. Finally, even if the Applicant were to secure water in bowzers from elsewhere (e.g. through Greens H<sub>2</sub>O) there has been no assessment of the highways effects. Given distribution from parcel A1, it is also not assessed

whether some or all of these movements to deliver water to the Scheme would be through the CNL.

## **2.9. Land Use and Soils**

### BMV Loss

2.9.1. National policy is clear that applicants should seek to minimise impacts on the best and most versatile agricultural land (**BMVAL**) and preferably use land in areas of poorer quality (NPS EN-1, paragraph 5.11.12) and that applicants should not site their scheme on BMVAL “*without justification*”. On the Applicant’s own figures in its ES Chapter 17 **[REP3-022]**, 233ha of BMV land lies within the Solar PV Sites (30.8ha of Grade 2 and 202.5ha of Grade 3a), amounting to approximately a third of the total agricultural land for the Solar PV Sites.

2.9.2. Accordingly, on any view, the scale of BMV land taken by this Scheme is considerable. The Applicant itself acknowledges a major/moderate significant adverse effect on BMV agricultural land (**[REP3-022]**, Table 17-8). In those circumstances, the policy requires a clear demonstration that use of the land is necessary, and poorer quality land is not available.

2.9.3. In SLD’s view, that demonstration has not been made. Equally, SLD does not consider that the loss can be discounted as truly temporary, noting:

- The return of all of the land to agricultural use after 60 years is not secured. The Applicant has acknowledged that it cannot guarantee the return of land which has been converted into meadow as a consequence of the scheme, which may be subject to additional environmental protections after a period of sixty years;
- Policy in favour of extending and repowering renewable generation weighs against treating the loss as truly temporary (**[REP3-173]**, paragraph 3.1.37);

- The risk of lasting damage to the heavy clay soils and their field drainage puts in doubt whether the land could be restored to its present ALC grade at all ([REP1-184] paragraph 5.5, 5.11, 6.2-6.3).

1.1.2. The loss of BMV land is therefore unjustified in policy terms, and it weighs materially against the grant of development consent.

### Sensitivity

2.9.4. The Applicant's criteria for determining receptor sensitivity observes that soils should be assessed as being of "Very High" receptor sensitivity where there are "soils with high clay and silt fractions (clays, silty clays, sandy clays, heavy silty clay loams and heavy clay loams) and organo-mineral and peaty soils where the Field Capacity Days (FCD) are 150 or greater" or "medium-textured soils (silt loams, medium silty clay loams, medium clay loams and sandy clay loams) where FCDs are 225 or greater."

2.9.5. The Applicant's ES then identifies that:

- "Most of the topsoil and subsoils throughout the Order Limits are heavy-textured (clayey)" (para 17.10.4).
- Slowly permeable clay is "collectively the most prevalent" soil type (para 17.7.9).
- FCD are 182–188 in the west and 171–178 in the east, all well above 150 (para 17.7.4).

2.9.6. Applying the Applicant's own sensitivity criteria, most of the soils within the Scheme should be classified as "Very High" sensitivity, not merely "High" sensitivity. This gives rise to changes in the Applicant's assessment of significant effects at Table 17-8, as the residual effect after mitigation during construction and decommissioning should be a Major/Moderate significant adverse effect.

Applicant overstates benefits of resting and understates harms of stockpiling

2.9.7. The Applicant relies upon an identified “*moderate beneficial*” effect of resting the land and concludes that the soil health and quality is “*likely to improve during the lifetime of the Scheme*”. However, as above, taking into account the soil’s “*Very High*” sensitivity, the claimed beneficial effect would drop to a non-significant beneficial effect,

2.9.8. Equally, SLD expresses serious doubts in respect of the claimed benefit of resting the soil at the sites. As has been emphasized by SLD’s soil experts throughout this examination:

- Any soil stored on site will degrade in quality over sixty years ([REP4-132] paras 2.2.39-2.2.40);
- There is no baseline to measure the improvements against ([REP4-132], para 3.10.5); and
- Compacted soils under the panels will not be capable of remediation ([REP1-184], paras 5.16-5.17).

2.9.8.1. SLD’s soils expert has emphasised that wet soils should not be stored in stockpiles to minimise the risk of compaction ([REP4-132], paragraph 3.10.4) The only evidence that long storage of soils can work comes from sand and gravel quarries, where soils are stockpiled “*over shorter periods (e.g. 5-20 years)*” ([REP4-132] paragraph 2.2.39). There is no evidence that stockpiling soils can be effective for longer periods. In the circumstances, the Applicant’s ES fails to properly assess the significant adverse effects of soil stockpiling.

Outline Soil Resources Management Plan [REP7-080]

2.9.9. SLD note that there updated OSRMP [REP7-080] includes two changes, both of which SLD welcomes:



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- Paragraph 1.8.23 mandates that soil storage will not occur in Flood Zones 2, 3 or 3b, or be in areas reserved for ground-nesting birds or adjacent to the CNL;
- Paragraph 1.8.41 recognises the importance of soil structure in mitigating runoff. In the event of vegetation failure, a “*suitably qualified soil practitioner*” should investigate the soil and perform simple restoration measures before any re-seeding.

2.9.10. These changes do not, however, resolve SLD’s continuing concerns in respect of the Applicant’s OSRMP. Soil health remains a key issue for SLD. SLD maintains that the Applicant should commit to following the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, as discussed in [REP4-132] (para 3.10.3). Currently the provisions in the OSRMP fall well short of this.

### Conclusion

2.9.11. The Scheme would remove 233ha of BMV land in the solar PV sites from agricultural use for at least 60 years. The Applicant has not shown that poorer land was unavailable, and it accepts that the loss is a Major/Moderate Adverse significant effect for which no mitigation exists. The Applicant’s ES fails to properly assess effects on soil. Properly considered, and applying the Applicant’s own criteria, the soils are of Very High sensitivity, which gives rise to Major/Moderate adverse significant effects. Both the loss of agricultural land and the soil impacts weigh against the grant of consent.

## **2.10. Biodiversity, Ecology, and the Natural Environment**

2.10.1. SLD’s case on the Scheme’s ecology and biodiversity harms has been addressed in the following submissions:

- Deadline 1 Written Representation, Appendix E [REP1-173]



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- Deadline 4, ISH3 Post-Hearing Submissions [REP4-132]
- Deadline 5 Submission [REP5-130]
- Deadline 6 Submission [REP6-081]
- Deadline 7, ISH8 Post-Hearing Submissions [REP7-145]

### The CRC Baseline is Inadequate

2.10.2. Among other things, Appendix E of SLD's Written Representation [REP1-173] raised concerns in respect of the quality of the baseline evidence which has been submitted by the Applicant for the CRC.

- By deferring species specific surveys within the CRC to a later date, the Applicant places the onus of effective avoidance and mitigation in the CRC onto the shoulders of the Ecological Clerk of Works (EcoCoW). Without species-specific information, the EcoCoW risks being overburdened and underequipped practically.
- Assuming presence everywhere places too much reliance on the robustness of a single day survey. The reliability of this approach will vary for a different species depending on weather conditions, the time of day and season.

2.10.3. [REDACTED] doubts the effectiveness of the Applicant's proposed avoidance/mitigation within the CRC, which will effectively require the ecologist to make snap-decisions without robust species-specific data to refer and point to. While the Applicant has cited micro-siting, EcoCoW experience and judgement as essential steps of their ecological mitigation strategy, [REDACTED] highlights that an EcoCoW would not be able to make high-level decisions such as implementing ad-hoc seasonal avoidance of more than a few weeks, as this would have major implications for all other stages and schedules of work already planned.

### Hedgerows

2.10.4. SLD notes that the Applicant's updated Chapter 9 [REP7-022] continues to identify significant adverse effects in respect of hedgerow. SLD agrees. However, SLD continues to maintain that CRC losses are at least district level, having regard to the extent of hedgerow to be removed, and that those losses

continue into the medium term. [REDACTED] has emphasized that a standard hedgerow will take a minimum of 3-5 years to establish but will be proportionally much longer for a hedgerow with trees, and those hedgerow with ancient attributes (which there are within the Scheme) are effectively irreplaceable ([REP1-167], para 10.4.9). SLD notes that the Applicant's ES appears to acknowledge that the impacts on hedgerow are likely to be in "the short to medium term" ([REP7-022], para 9.10.138) but appears to not have followed that conclusion into Table 9-12.

2.10.5. SLD further agrees with Wiltshire Council that the maximum extent of hedgerow removal should be secured within the DCO.

2.10.6. Finally, SLD would emphasise that the significance of the hedgerow being lost within the Scheme. The hedgerow is some of the most ecologically rich and biodiverse parts of the Site. While SLD welcomes the Applicant's commitment to regrow and replace parts of the hedgerow, in many places the historic value of hedgerow cannot be replaced. The Applicant is not proposing any qualitative controls in respect of hedgerow loss and the avoidance areas which have been proposed follow access constraints and the significance of adjacent habitats (such as water features), rather than the value of the hedgerow itself ([REP5-130], paras 2.4.2 and 2.4.4).

#### Skylark and other birds

2.10.7. SLD is conscious of the extent and degree of impacts on local skylark populations. While the applicant has taken several steps to limit the extent of these losses, setting aside large field portions to be enhanced to increase carrying capacity, [REDACTED] is conscious that even in a best-case scenario there will still be a significant, inevitable decrease in available ground-nesting areas.

2.10.8. SLD emphasized at ISH3 that the Applicant was, in effect, removing habitat where many skylarks were nesting while promising much more skylark

over a much smaller area. The retained fields represent a small fraction of the Site and meadows take 10-15 years of consistent management to establish, so there will be a lag before territories begin to have a mitigating effect (**[REP5-130]**, paragraphs 2.49-2.411). During that period, significant adverse effects on skylark will be sustained.

2.10.9. SLD continues to maintain that there should be species-specific monitoring with triggers and adaptive management for skylark. The Applicant's updated OLEMP explains that monitoring of ground-nesting bird mitigation will focus on ensuring habitat conditions are achieved within mitigation areas. The Applicant has refused to put in place monitoring of breeding pairs as a measure of mitigation success, beyond the standard bird survey monitoring already secured within the OLEMP. SLD considers this to be deeply disappointing, given the extent of displacement which skylark will experience and the expected adverse effect on the local population.

2.10.10. Separately, [REDACTED] maintains that postponing works by a day for wintering flocks remains unrealistic and expresses doubt that Method Statement 11 of the OEPMS will be adhered to, given the pressure on the construction timetable already. SLD's submissions on his point are in **[REP4-132]** at para 2.4.7 and **REP6-061**, at para 3.1.23.

#### Seasonal avoidance

2.10.11. As of Deadline 7, the Applicant has clarified its position within the OEPMS (**[REP7-083]** paras 6.2.2-6.2.4) concerning seasonal avoidance for nesting birds, amphibians and reptiles. Those parts of the oEPMS now read:

*"Habitat clearance, for example (but not limited to) the sections of hedgerow required for new construction accesses and cable installation within the Cable Route Corridor, should be undertaken during September and October where practicable. This period generally avoids both the principal bird nesting season (March to August inclusive) and the main hibernation period for reptiles and*

*amphibians (typically November to February), thereby reducing the risk of impacts and so avoid unlawful harm onto these species.*

*Where vegetation clearance cannot be undertaken outside the bird nesting season, the relevant areas will be inspected by a suitably qualified ecologist immediately prior to works commencing. Where active nests are identified, an appropriate exclusion zone will be established and maintained until the nest is no longer in use (see section 6.4 below).*

*Where habitat clearance is required during the period when reptiles or amphibians may be hibernating, further precautionary measures may be necessary to avoid unlawful harm. Such measures may include the possibility of taking any hibernating animals discovered during clearance into care over the winter, or translocation to suitable nearby receptor habitat or specially created hibernacula.”*

2.10.12. [REDACTED] has considered these amendments and welcomes them, noting that they will avoid many of the worst impacts of ecological concern arising out of the Scheme.

2.10.13. However, the Applicant has not taken such an approach with dormice/hedgerow clearance. The updated OEPMS [REP7-083] explains that clearance will take place in a single-stage, preceded only by a fingertip search, and will be carried out at any time of year. In the first instance, SLD considers this approach to be troubling. It is unclear why the seasonal avoidance measures adopted by the Applicant in respect of nesting birds, reptiles, and amphibians would not apply equally to dormice, given they would similarly benefit from seasonal avoidance during the same period. SLD queried precisely this point at the ISH. The Applicant maintained at that hearing and continues to maintain in its Deadline 7 submissions, that it will not put in place seasonal avoidance measures for dormice.

2.10.14. SLD emphasizes that the Applicant's approach is contrary Hazel Dormouse Mitigation Handbook, which the Applicant refers to. SLD notes the following excerpts from the same Guidelines which provide:

- Paragraph 4.1.12: *"Construction site activities have the potential to result in mortality of dormice. Vegetation clearance and ground works have the potential to kill hibernating dormice in winter, whilst in summer, torpid dormice and young nests are vulnerable."*
- Paragraph 4.1.8 *"Moderate size gaps (10-30m over bare ground [...]) are only likely to be crossed by dispersing dormice. These restrict nightly foraging movements and therefore impose home range boundaries which reduce the carrying capacity of the habitat. However, dispersing dormice will still ensure there is some gene flow between habitat fragments."*
- Paragraph 4.1.19: *"Given different requirements for dormice in summer and winter, there is potential for the same development activity to have very different effects at different times of year. For example, pruning vegetation for access or maintaining sightlines during winter may have no impact, but risks reducing survival rates during the summer months by reducing opportunities for foraging and nesting."*
- Paragraph 4.5.8: *"Single stage clearance should take place in spring or autumn, coinciding with periods of natural dispersal and avoiding the main breeding season. Normal timings for spring are May (sometimes April with appropriate justification), though this may be constrained by presence of nesting birds, and normal times for autumn are mid-September to the end of October (sometimes into November with appropriate justification. Vegetation clearance during the autumn should only be used on sites where habitat can be comprehensively checked to identify any nests with late litters of dependent young. [...])"*

2.10.15. While the gaps in hedgerow created by Scheme would be smaller than 150m, per the Mitigation Handbook, the moderate-sized gaps required for cable-laying all still have potential to result in direct killing and harm of dormice, on top of restricting foraging ranges until gaps are infilled. Having regard to the likely



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loss of 1.23 km of hedgerow within the wider landscape, significant adverse effects are likely.

2.10.16. Without a seasonal schedule of work designed to avoid impacts, in line with guidance for single-stage clearance, or evidence supported by species and habitat data to justify carrying clearance works outside of the standard seasonal windows, the current stated mitigation approach would be insufficient in avoiding significant short-term impacts on dormice.

2.10.17. SLD considers that the Applicant's approach also casts doubt on its commitment to seasonal avoidance in respect of reptiles, amphibians and nesting birds. The commitment is qualified by only doing so "*where practicable*". There is no practical reason why such seasonal avoidance measures could not be secured for dormice in the same way. The only distinction SLD can identify is that works affecting dormice require a licence, whereas works affecting reptiles, amphibians, and nesting birds do not. If the Applicant is unwilling to commit to seasonal avoidance for dormice (where compliance would be overseen by the licensing regime) SLD questions whether seasonal avoidance will be followed where no such oversight exists.

### Conclusions on Ecology

2.10.18. The ExA cannot be confident that the Scheme's ecological effects have been properly assessed or will be adequately mitigated. The established harms to hedgerow and bird species should weigh against the grant of consent. Likewise, the ExA cannot be confident that the Applicant's seasonal avoidance for species will be effective. Adopting a precautionary approach, the ExA should assume a significant adverse effect that weighs against the grant of consent.

## 2.11. Socioeconomics, Tourism, and Recreation

### Introduction

2.11.1. The Scheme lies within and within the setting of one of the UK's premier rural visitor destinations. Its historic character, attractive landscape, and tranquil character all contribute to the local economy and encourage thriving local businesses in tourism and recreation. Many local businesses depend on trade from visitors who come to the area because it is a premier destination for walkers, cyclists and holiday makers.

2.11.2. SLD's case is that the Scheme would give rise to significant, wide-ranging and diffuse adverse socioeconomic effects. The Applicant has both failed to properly assess these effects and has meaningfully understated them. SLD maintains that these socioeconomic effects would be significant adverse effects of the Scheme and weigh materially against the grant of consent.

2.11.3. SLD draws attention to the following sections of its submissions in the Examination on the likely socioeconomic effects of the Scheme: Deadline 6 Submissions [**REP6-081**]; Deadline 7 Post-Hearing Submissions for ISH8 [**REP7-145**]; SLD Business Survey [**AS-027**].

### Non-Equine Business Impacts

2.11.4. The Applicant's approach to business impacts has been narrow and desk based. Given the scale of the Scheme, it would have been reasonable for a regional impact study to have been undertaken on the basis of administrative area boundaries ([**REP6-081**], para 2.5.4).

2.11.5. A key example of the assessment's inadequacy is the Applicant's Technical Note on Impacts to Non-Equine Businesses [**REP5-111**]. The Technical Note relies upon a "5km Study Area" without providing any apparent justification for the area which has been selected or on what basis. It narrows the scope of its assessment to this area notwithstanding the approach adopted in the

Applicant's ES (Chapter 16 [REP7-018]), which identifies the "*primary*" Study Area for socioeconomic effects as "*all electoral ward areas falling within 20km of the Scheme*" on the basis that such is a "*near approximation of a 30-minute commuting distance from the Scheme and has been judged as a reasonable assumption for the area in which employment and derived economic effects are anticipated to be greatest*" (para 16.5.3). Given that, it is unclear why without explanation, the technical note refers only to a 5 km study area. While the ES Chapter 16 refers to a 5km Study Area, that area is drawn on the basis of the ZTV, and relied upon only in the context of visual effects upon tourism and recreation receptors. There is no apparent rationale for the Applicant's Technical Note to look only at non-equine businesses within 5km of the Scheme.

2.11.6. Additionally, the Applicant has chosen not to carry out a comprehensive business survey of local businesses and, as a consequence, fails to appreciate the nature of the businesses within the area of the Scheme and the ways in which the Scheme will have an impact on the local economy. The Applicant's basis for its approach is that preparing such a survey would be "*disproportionate to the scale and nature of the socio-economic effects anticipated from the Scheme*" [REP7-128]. However, and as SLD has consistently submitted, the scale of the Scheme is precisely why a proper survey of the affected businesses is needed.

2.11.7. In the absence of such evidence from the Applicant, SLD's Business survey remains the most reliable barometer the ExA has in respect of local companies' expectations as to how they may be affected by the project [AS-027]. SLD accepts( to a degree), as the Applicant avers, that the SLD's Business Survey is generally an indication of "*sentiment*" of businesses as opposed to a "*representative assessment of the likely socioeconomic effects of the Scheme.*" With respect to the Applicant, that is an obvious point. No survey of businesses would be capable of reaching verifiable and quantifiable conclusions in respect of the likely impacts on businesses. That does not, however, undermine the importance of carrying out such an exercise. Business sentiment remains an important feature of the socioeconomic effects of the Scheme because it shapes

how businesses make decisions in respect of investment and employment. Likewise, sentiment reflects the experience of the business owners who will necessarily have an understanding of what has adversely affected their business in the past.

2.11.8. Equally, it remains significant that a clear majority of the businesses responding expect a negative effect on their organisation. They identify increased traffic and congestion, customers relocating, noise, and reduced visitor numbers as giving rise to negative impacts on their businesses. Most expect a fall in turnover, and a substantial minority expect to lose staff.

2.11.9. Finally, SLD draws attention to the submissions heard from [REDACTED], at ISH8. Grittleton House is an obvious example of a business which will experience significant adverse effects which has not been assessed by the Applicant (summarised in post-hearing submissions [REP7-162]. Grittleton House was not assessed by the Applicant as a tourism and recreation receptor in its ES [APP-241]. Grittleton House is only given passing reference in its Technical Note on Impacts to Non-Equine Businesses, which concludes that there would be “*no significant effects*” in economic terms. The Applicant has not identified the sensitivity of the receptor, the magnitude of the impact, the significance of the effect with embedded mitigation or the residual effect with additional mitigation.

#### Equine Business Impacts

2.11.10. The Applicant’s Equine Business Report [REP7-112] fundamentally underestimates the extent and level of impacts on equestrian facilities and businesses and fails entirely to assess job losses or broader economic effects on equine businesses.

2.11.11. The report proceeds on the false assumption that horses “*adapt quickly where disturbance is not associated with harmful or aversive experience*” ([REP7-

112], para 4.2.41). The Applicant has produced no scientific evidence in support of such a statement. Likewise, the Applicant was unable to produce any basis for asserting a 'flight zone' for horses of "*approximately 5-30 metres*". The Applicant first referred to the Equine Canada Code, which does not substantiate a flight zone of 30m, but merely illustrates the general concept of a flight zone. The Applicant, in its post hearing submissions [REP7-125] has referred to "*a handling study of semi-feral horses showing flight distances of around 6.87m (a couple reaching the 12m enclosure limit) and said a 5-30m flight zone was typically understood to produce a reaction if entered, whereas horses outside that zone would remain vigilant and might look, walk or move away.*" However, that article also does not support the identification of a 30m flight zone – rather the article reports three studies and considers whether a person's approaching style changes the distance at which the horses move away. There is no part of the article which identifies 30m as a flight zone, and (quite obviously) construction works are a fundamentally different type of visual/aural disturbance.

2.11.12. The specialist thoroughbred veterinary evidence heard at ISH8 should generally be preferred to the Applicant's. Those submissions (made by a leading thoroughbred expert herself), identified that the sensitivities of thoroughbreds have been grossly underestimated within the Equine Business Report. Those points are summarised at paras 2.4.1 to 2.4.3 and of SLD's post-hearing submissions for ISH8 [REP7-145]. Connectedly, the Applicant has underestimated the susceptibility and sensitivity of stud farms affected by the scheme. Those businesses should be identified as "*high sensitivity*" having regard to the physiology of the horses within their business. SLD's submissions identify precisely such effects for West Park Farm and Ladyswood Stud (paras 2.4.5 to 2.4.16).

#### Business Compensation Fund

2.11.13. SLD supports Wiltshire Council's proposal for a fund to address the Scheme's economic effects on local businesses. Taking a precautionary

approach, targeted financial provision is appropriate for cases where the significant harm does materialise. In the absence of such a commitment by the Applicant, there is no other basis for the Applicant's conclusion that there will be no significant effects on businesses. This matters all the more because, as discussed at ISH8, any economic benefits of the Scheme are likely to bypass local businesses.

## **2.12. Health**

2.12.1. NPS EN-1 requires the Secretary of State to consider the health effects of a proposal, including cumulative and in combination effects on wellbeing. Throughout the Examination, SLD has maintained that those effects would be substantial and foreseeable, arising from the scale and duration of changes which will be experienced across the region. The Applicant has not properly assessed those effects and the adverse consequences of granting the Scheme should weigh against the grant of consent at the close of this Examination.

2.12.2. Rural greenspace and the public rights of way network are important protective factors for both mental and physical health. The Scheme would surround several villages with panels, and turn routes residents use regularly into corridors through industrial infrastructure. The Applicant acknowledges adverse significant effects on these routes, as well as significant adverse effects on landscape and recreation receptors. The logical consequence of such effects is that nearby residents will experience less pleasure in their local landscape and local amenities and will be discouraged from utilising the outdoors for exercise.

2.12.3. Those effects will fall on a population whose mental health is already worse than the regional and national position. As noted in SLD's Written Representation ([REP1-167]; Appendix I1 [REP1-180], paragraphs 10-11), Wiltshire residents report elevated levels of anxiety and hospital admissions for self-harm among 10-24 year olds are higher than the regional and national

average. The Applicant's assessment does not engage with the area's baseline sensitivity.

2.12.4. The Scheme would also harm community identity and cohesion. The length of the construction period, the scale of change, and the loss of the landscape that defines these villages will undermine community cohesion and cause isolation.

2.12.5. The evidence indicates that local health services have not been meaningfully consulted. SLD notes the representation made by the NHS Bath and North-East Somerset Swindon ICB [REP6-079], which commented:

- The ICB is not persuaded that the potential health implications have been *"fully understood, sufficiently evidence or appropriately mitigated"*.
- The ICB requested a comprehensive and independently reviewed health impact assessment be undertaken.
- The Applicant has presented insufficient evidence to demonstrate that the cumulative impacts of various health effects have been robustly examined;
- The surrounding area currently functions as an important resource for walking, cycling, horse riding, recreation, social interaction and connection with nature. These assets support healthier lifestyles, stronger communities and reduced demand upon health and care services.
- The Applicant's review of service capacity relies predominantly on a review of current GP workforce ratios and assumptions which *"does not adequately reflect the significant housing growth and population expansion planned across North Wiltshire over the coming decades."*

2.12.6. SLD supports the further amendments proposed to the outline Terms of Reference for the CLG which it has agreed with Wiltshire Council. SLD requests that, should the SoS grant consent for the Scheme, the Errata Statement appended at Appendix B of this Statement be certified as part of the Outline Terms of Reference for the Community Liaison Group. Among matters, the Errata

will ensure that the CLG will remain operational for at least five years after final commissioning (unless it resolves to cease sooner) and will come back into play during any significant periods of maintenance/replacement and decommissioning. However, it should be emphasized that the CLG is a forum for information-sharing, consultation and engagement with the local community. It is not a substitute for assessing and addressing the Scheme's health effects.

## **2.13. Climate Impacts**

### Introduction

2.13.1. In this Examination SLD have raised a number of concerns about the Applicant's approach to climate change. This has primarily broken down into two parts, although reference should be made to SLD's submissions for their full detail:

- The Applicant's approach to carbon inventory for the Scheme, and the failure of the Applicant to assess the reasonable worst case.
- The Applicant's approach to lifetime emissions and whether the Scheme is a net carbon emitter over its lifetime.

2.13.2. SLD has recognised that there is a policy imperative in favour of renewable energy, however, as explained by its planning experts, there should be care in the analysis not to double count the benefits in the planning balance (see from paras 5.43 and 6.7 of **[REP1-169]**). That is especially so where, as here, the evidence indicates that the specific design choices made by the Applicant have led to a Scheme which either will not break even when compared to a reasonable grid emissions average or will only do so very late in the Scheme life and well beyond the 2050 date for the Government's policy for net zero.

2.13.3. SLD draws attention to the following sections of its submissions in the Examination, which provide some of its key climate change submissions:

Appendix J1 **[REP1-182]**, Appendix D of **[REP4-132]**, and Appendix B of **[REP6-081]**.

### Carbon inventory

2.13.4. Section 4 of Appendix J1 **[REP1-182]** provided SLD's experts' original whole-life carbon assessment for the Scheme. Even at that stage it was apparent that the unusual feature of this Scheme, which makes it particularly greenhouse gas emissions intensive, is the large BESS associated with the Scheme. It is for that reason that not all solar proposals can be treated alike; particularly where such a scheme does not include a BESS or includes only a small BESS or one requiring assessment on the basis of relatively limited battery replacements.

2.13.5. Moving beyond this, in Section 4 of **[REP1-182]** various carbon inventory concerns were identified by the University of Derby. Such concerns are still extant at the end of the Examination, and SLD's experts remain of the view that the Applicant still does not assess the reasonable worst case. In summary, and referring to the most recently updated ES Chapter **[REP7-019]** (albeit based on the original Scheme layout):

- Cabling: cable emissions calculated by the Applicant remain at 876 to 1,194 tCO<sub>2</sub>e, based on only 50.9 to 71.7 tonnes of high-voltage cable (paras 7.10.24 and 7.10.27 of **[REP7-019]**). This is not convincing for a Scheme that includes a 22 km underground 400 kV grid connection and an internal 132 kV network. The University of Derby estimated that emissions should be approximately 20,762 tCO<sub>2</sub>e in **[REP1-182]**.
- Concrete: only the disposal of damaged concrete feet is assessed (7 to 9 tCO<sub>2</sub>e, Table 7-21 and para 7.10.39 **[REP7-019]**), not the embodied carbon of the concrete placed in the Scheme. The University of Derby estimated 1,526 to 3,509 tCO<sub>2</sub>e **[REP1-182]**.
- Sulphur hexafluoride (SF<sub>6</sub>): the ES acknowledges the very high GWP of SF<sub>6</sub> (23,900) and states that SF<sub>6</sub>-free equipment will be prioritised "*where practicable*" (paras 7.10.53 and 7.10.54 of **[REP7-019]**), but there are no firm

commitments and fugitive leakage is still not quantified. The University of Derby estimated 1,830 to 6,542 tCO<sub>2</sub>e **[REP1-182]**.

- Re-cabling: the ES allows for up to 20% of on-site cabling to be replaced during operation (Table 7-4), but no emissions are included for this. The University of Derby estimated 1,660 tCO<sub>2</sub>e **[REP1-182]**.
- Construction plant fuel: this is described by the Applicant as still “*not known at the time of writing*” and has not been calculated (para 7.4.4 of **[REP7-019]**). The Applicant’s own assumption that it is less than 1% of total emissions could still amount to up to approximately 11,600 to 12,900 tCO<sub>2</sub>e.
- Substation scope: no emissions are included for the non-transformer elements of the 132 kV and 400 kV substations, or their refurbishment over the 60-year life. The University of Derby estimated 4,900 to 6,100 tCO<sub>2</sub>e **[REP1-182]**.

2.13.6. Taken together, the University of Derby’s estimates for these items amounted to an addition of approximately 33,000 to 42,000 tCO<sub>2</sub>e **[REP1-182]**. This addition is addressed below in the context of the overall lifetime emissions of the Scheme, but at this point SLD highlights that, still, the Applicant fails to assess a reasonable worst case.

### Lifetime emissions

2.13.7. Beyond the issue of carbon inventory, the University of Derby has highlighted that the Scheme either will not break even when compared to a reasonable National Grid emissions average or will only do so late in its lifetime (and well beyond the 2050 date for the Government’s net zero policy). SLD originally raised this concern in Section 3 and 5 of Appendix J1 **[REP1-182]**.

2.13.8. A key feature of the Applicant’s approach is the heavy reliance on the Scheme being compared to the emissions intensity of the National Grid in 2029. As the graphs included at section 3 of Appendix B to **[REP6-081]** show, if the Scheme is compared to a decarbonising grid (that is, the grid as is predicted to

carbonise for the next 60 years from 2029), there is no point at which the Scheme reaches “payback”. It is noted that the Applicant criticises SLD for relying on National Grid emissions intensity, however, it also makes such use to justify its approach. Further, its use relies upon an intensity fixed in 2029 to establish the benefits of the Scheme. Rather than being the reasonable worst case, this reflects the best possible scenario to assess the Scheme against.

2.13.9. Even in those circumstances, the University of Derby originally assessed that fixed panels would only reach payback when compared against the 2029 intensity in approximately 2075 (using the Applicant’s own figures). Similarly, for tracker panels, the payback date was estimated as 2078 (Table 10, Appendix J1 **[REP1-182]**). The University of Derby figures put the date even later (Table 10, **[REP1-182]**; Fig 3.1, of Appendix B to **[REP6-081]**).

2.13.10. The above does not reflect the only way in which the Applicant assumes the best case for the Scheme. It should also be noted that 2029 is described by the Applicant as the earliest date at which the Scheme could operate. The Applicant states that construction would start in 2027 at the earliest, subject to DCO consent, and would take two years, with the Scheme operational from 2029 (**[REP7-019]**, paras 7.4.5 and 7.4.15). No allowance is made for any delay to the decision, the discharge of requirements, procurement or grid connection. The use of 2029 is therefore a best case rather than a reasonable worst case. On this point, see further SLD’s comments on other solar DCO’s schemes in the Power section below.

2.13.11. If operation starts any later than 2029 (for tracker) or 2030 (for fixed), the Scheme becomes a net carbon emitter over its lifetime. The break-even Grid intensity is the Scheme’s own lifetime intensity, i.e. 40.52 gCO<sub>2</sub>e/kWh (fixed) and 46.29 gCO<sub>2</sub>e/kWh (tracker). For tracker panels, a delay of only one year (2030, when the Grid Intensity is 45.1 gCO<sub>2</sub>e/kWh) is enough for the Scheme to become a net emitter; for fixed panels this occurs with a two-year delay (2031, 37.9 gCO<sub>2</sub>e/kWh) (**[REP6-081]** Appendix B Section 3.0). As both panel types remain

within the Scheme's design parameters, the tracker case should be regarded as the reasonable worst case. The below table, which reflects Table 3.1 of Appendix B to [REP6-081] taken with the underlying intensity figures at pp.77-78, demonstrates the following:

**Table: Net Savings associated with various Grid Intensities (REP6-081 Appendix B Section 3.0, updated)**

| Grid Intensity used in comparison (gCO <sub>2</sub> e/kWh) | Corresponding year of first operation (DESNZ, 2023) | Net Savings, Fixed (tCO <sub>2</sub> e) | Net Savings, Tracker (tCO <sub>2</sub> e) |
|------------------------------------------------------------|-----------------------------------------------------|-----------------------------------------|-------------------------------------------|
| 48.9                                                       | 2029                                                | 266,593                                 | 65,983                                    |
| 45                                                         | 2030                                                | 142,182                                 | -32,279                                   |
| 43                                                         | 2030 to 2031                                        | 78,686                                  | -82,430                                   |
| 40                                                         | 2030 to 2031                                        | -16,558                                 | -157,656                                  |
| 37.9                                                       | 2031                                                | -83,229                                 | -210,314                                  |

*Grid Intensities from DESNZ (2023) Table 1, generation-based grid average. Negative values denote a net emitter over the Scheme's lifetime.*

2.13.12. The above reflects the considerable sensitivity of the Scheme to delay. Even one year of delay is enough to render the tracker version of the Scheme a net emitter against a fixed carbon intensity. This reflects the reliance of the Applicant on a best-case scenario eventuating.

2.13.13. Indeed, going further, using the carbon inventory estimates that are referred to above, (approximately 33,000 to 42,000 tCO<sub>2</sub>e) if added to the

Applicant's current totals, the Net Savings at 48.9 gCO<sub>2</sub>e/kWh would reduce to approximately 224,500 to 233,400 tCO<sub>2</sub>e (fixed) and 23,900 to 32,800 tCO<sub>2</sub>e (tracker), and the break-even Grid Intensity for tracker panels would rise to approximately 47.6 to 48.0 gCO<sub>2</sub>e/kWh, i.e. only just below the 2029 value.

- 2.13.14. Finally, as a correction, SLD's expert notes that an error in Table 7-28 of **[REP7-019]** (para 7.10.91) in that the Applicant's fixed and tracker values shown, i.e. 27.72 and 32.55 gCO<sub>2</sub>e/kWh respectively, are operational values and should be presented as lifetime values, i.e. 40.52 and 46.29 gCO<sub>2</sub>e/kWh respectively, as the other technologies in that table are presented on a lifetime basis.

#### Scheme design

- 2.13.15. SLD wish to emphasise the following: the above analysis is not a concern which arises in respect of all solar development. Rather, the particularly high GHG intensity of this Scheme is principally a feature of BESS and BESS replacement. In the most recent ES chapter on Climate Change **[REP7-020]**, 25.5% of the total construction emissions (at 100,000 tCO<sub>2</sub>e of the total 391,984 tCO<sub>2</sub>e, Table 7-21) relate to BESS construction, and 61.17% of the total operational emissions (at 538,639 tCO<sub>2</sub>e of 880,624 tCO<sub>2</sub>e – Table 7-25) relate to BESS replacement. Were the Applicant to have adopted a more restrained approach to the BESS aspect of its development, including in the size of the installation, the extent of replacement, or its inclusion, it would have produced a Scheme which does not have the problems which the University of Derby have identified on SLD's behalf.

- 2.13.16. In addition to the BESS, the length of the main high voltage cable in this Scheme, longer than any other, and the smaller high voltage cables between the individual sites which are also unusually long due to the dispersed nature of the sites, would add a further 20,762 tCO<sub>2</sub>e to the construction emissions when assessed correctly (see above).

2.13.17. Clearly, the Scheme represents an unusual case, and it necessarily follows that the planning balance must reflect the choice that the Applicant has made to design a Scheme which does not break even (against even the grid intensity in 2029) until well after the 2050 net zero target.

## **2.14. Air Quality**

2.14.1. SLD remains concerned that the Applicant has underestimated the air quality effects of the Scheme, particularly in respect of BESS fire. As SLD has emphasised from the start, the Applicant continues to take an approach which is neither appropriately precautionous, nor is a reasonable worst case in the extent of a fire that might be experienced and its air quality effects. That is particularly so given the wide area within which such air quality effects could eventuate, but also the sensitive receptors locally, including both nearby accessible routes, and also a mainline railway. SLD's position on air quality has been set out in **[REP1-181]**, Section 3.7 of **[REP4-132]**, and para 2.3.23 **[REP7-145]**.

2.14.2. While SLD has accepted and welcomed much of the additional detail which the Applicant has provided throughout the Examination on BESS fire, disagreements on points of principle remain. Without addressing all of them, key ones are the following.

2.14.3. The Applicant continues to rely on any BESS fire being constrained to only one BESS container. As was explained at para 2.3.23 of **[REP7-145]**, even two containers are likely to result in emissions above the toxicity threshold, and the experience at other BESS fire events globally evidences that a reasonable worst case would involve more than one container. While SLD note that the Applicant argues it has provided mechanisms to avoid such spread of fire, given the those experiences globally, and that a precautionous and reasonable worst case approach would include the failure of the anti-spread measures (para 3.7.5 of **[REP4-132]**), SLD remain of the view that the Applicant has not properly taken

into account the potential for spread and hence increased pollutant concentrations.

2.14.4. The extent of modelling also continues to concern SLD. The Applicant continues to use a 1km distance for modelling notwithstanding that it excludes important receptors such as Hullavington Primary School, and that there is no technical limitation on assessing to greater distances (para 2.3.23 of **[REP7-145]**; see also on dispersal distances para 3.7.8 onwards of **[REP4-132]**). That also arises in the context of the use of occupational health criteria for assessing the effects of air quality. Given (for example) a primary school being in the local area and caring for young children, SLD remain concerned about the appropriateness of those criteria and consider a more precautionous approach to the assessment should have been taken (para 3.7.12 of **[REP4-132]**). Also, in respect of modelling range, proper modelling of local roads for pedestrians, and the mainline railway, remain a concern (para 3.17.13 of **[REP4-132]**).

2.14.5. SLD also draws attention to the detailed concerns about assumptions made by the Applicant and additional pollutants considered at para 3.7.15-3.7.17 of **[REP4-132]**, the detailed content of which is not repeated here.

## **2.15. Power**

### Introduction

2.15.1. Early on in the Examination process, SLD raised specific concerns about the relationship between the BESS and the solar generating aspects of the Scheme (see para 16.3.12 onwards of SLD's Written Representation **[REP1-167]**). This issue was raised in detail in SLD's earlier submissions associated with topics to be addressed at ISH1: from para 16.3.12 onwards of **[REP1-167]**, para 4.1.7 onwards of **[REP2-051]** and p.85 of **[REP3-173]**. Also now relevant to this issue is the Applicant's answer to the ExA's Rule 17 question **[PD-019]** at **[REP7-131]**.

Connection gating and NESO

2.15.2. SLD remains of the view that the approach adopted by the Applicant to NPS EN-1 para 4.11.12 still fails properly to explain why it can be said that the test for a connection is met, when the BESS still only benefits from a Gate 1 connection offer from NESO. The words of para 4.11.12 ask that the SoS be satisfied “*that appropriate network connection arrangements are/will be in place for a given project*”. Para 4.11.6 of NPS EN-1 is no answer to this (as the Applicant seeks to say at **[REP3-128]**): that paragraph is quite clearly concerns “*the time of application*”. This Scheme is now well beyond the time of application (having been accepted for application around 1 year ago on 17 October 2025). It is also concerned with a formal grid offer, where the Applicant here cannot even point to an indication from NESO that it is likely that the BESS will be reassigned on an application. It is an error of interpretation of para 4.11.6 to read that as modifying the clear test described in para 4.11.12.

2.15.3. The test in para 4.11.12 remains applicable, and the test is “*are/will be in place*”. Whether a question of NESO varying the Applicant’s original agreement, or the BESS now being subject to a Gate 1 offer (the Applicant seemingly seeks to distinguish between the two in **[REP3-128]**), the connection for that part is not secured now (so the “*are*” test is not met). As to “*will be*”, the Applicant cannot provide the security required. That is particularly so given the DESNZ and Ofgem open letter which SLD submitted at Deadline 2 (**[REP2-051]** Appendix F) which highlights the oversupply of grid-scale storage. Ultimately, it is for the Applicant to positively demonstrate that the “*will be*” test in NPS EN-1 para 4.11.12 is met, and positive evidence (rather than speculation) remains conspicuously absent notwithstanding the passage of time since the application being made.

2.15.4. For the avoidance of doubt, this is different to the situation where there is a formal grid agreement, but the consenting and construction of the relevant substation as part of the National Grid is not provided for (see the Applicant’s

comments at pp.342-343 of **[REP3-182]**). Where there is a formal agreement, obligations fall on the network provider to provide the connection at the appropriate time; that is a materially different situation to where there is no formal agreement for the requisite connection at the relevant time at all.

2.15.5. As such, SLD remain of the view that para 4.11.12 test is not met for “*project*” comprising the entire Scheme in this case.

#### Associated development

2.15.6. SLD remains concerned that the BESS may not be development within the definition of “*associated development*” for s.115 PA 2008 applying the Department for Communities and Local Government “*Guidance on associated development applications for major infrastructure projects*”. SLD draws attention to its submissions from para 16.3.17 of its Written Representation **[REP1-167]** and from para 4.1.7 of **[REP2-051]**. It is noted that the guidance referred to has since been withdrawn and replaced by the 3 July 2026 guidance by the Ministry of Housing Communities and Local Government entitled “*Planning Act 2008: Guidance on preparing an application: Part 3 – Contents of a draft Development Consent Order*”. However, the principles applicable here are broadly similar.

2.15.7. SLD notes its position regards the Gate 1 connection for the BESS, and also its existing concerns regards a “*direct relationship*” with the solar generation, a development which is “*subordinate*” to that main development, and which is “*proportionate in nature and scale*” to that main development. The position expressed previously is not repeated, save to note that SLD consider it difficult to justify a BESS out of proportion with the generating capacity of the Scheme, and which does not have the same Gate for connection.

2.15.8. However, SLD do note the Applicant’s answer to the ExA’s Rule 17 question **[PD-019]** at **[REP7-131]**. Noting the Scheme’s generating export capacity of 500MW (which is in Gate 2), it is noted that the Scheme will only

generate power in excess of that export capacity for 18 hours a year. That equates to 0.2% of the year.

2.15.9. In such circumstances, it is difficult to understand how a 1GWh BESS ([REP7-020], para 7.10.65) is “*proportionate in nature and scale*”. While SLD recognises that some degree of battery storage for power generated by the Scheme allows for that power to be distributed at times which better support the National Grid (and allow for storage of the 18 hours of generation in excess of capacity), there appears to be little proportion between that and a Scheme which for two thirds of the year (66.7%) either produces no power at all or less than 50MW. That is particularly so given the concerns that other Interested Parties have expressed concerning the primary use of the BESS being arbitrage of electricity from the grid, and SLD’s significant concerns about the size and scale of the BESS causing a range of significant adverse effects.

#### Timing of connection

2.15.10. SLD finally note here, as it is relevant to assessments elsewhere (including the climate change assessment), that the argument that the Applicant will connect the Scheme by 2029 is a very best case assessment and does not reflect the experience of other solar farm DCOs. Of the consented solar DCOs, the only operational scheme is Cleve Hill Solar Park which was given development consent on 28 May 2020 and became operational on 1 July 2025. This is in excess of four years from consent to final commissioning.

2.15.11. Subsequent to Cleve Hill, Little Crow Solar Park was granted development consent on 5 April 2022, Longfield Solar Farm was granted development consent on 26 June 2023, and Mallard Pass Solar Project, Sunnica Energy Farm and Gate Burton Energy Park were granted development consent on 12 July 2024. None of these schemes (or any scheme granted development consent subsequent to these) are operational.

2.15.12. Thus, were development consent granted in early 2027, it is most unlikely given the available examples that the Scheme would be finally commissioned prior to 2030.

## **2.16. Decommissioning**

### Lifetime of the Scheme

2.16.1. SLD has addressed decommissioning throughout this Statement as it has arisen in respect of each topic area. However, from the start of the Examination, SLD has also raised specific concerns about the underlying land-ownership position for the Scheme and how that interacts with decommissioning. This issue is addressed at para 16.3.5 onwards of SLD's Written Representation **[REP1-167]**, para 19 of **[REP1A-022]**, para 4.1.72 of **[REP3-173]**, paras 2.1.1 and 2.5.16 of **[REP4-132]**, and para 2.5.13 of **[REP7-145]**.

2.16.2. The issue here is principally a legal one, the Applicant is required to assess the likely significant effects of the Scheme pursuant to the EIA Regulations. In this case, the period of time that the Scheme is currently secured for in land rights terms is known: 40-42 years (per the Applicant's answer to GCT1.11 in **[REP3-128]**). This confirms that, currently, the Applicant does not have a legal right to leases for the site for the length of time that the Scheme is secured by the DCO.

2.16.3. At that time, the Applicant also produced a sensitivity test for a 40-year version of the Scheme. The net result of that is, on the Applicant's figures, a reduction in GHG benefit from 253,839 tCO<sub>2</sub>e to 14,256 tCO<sub>2</sub>e (**[REP3-132]**, para 8.1.5). As can be seen from the tracked change version of the ES on Climate Change for Deadline 5 **[REP5-023]** at para 7.10.92, this has not been updated to reflect changes in the figures following reassessment. Most notably, it is apparent the 253,839 tCO<sub>2</sub>e figure is for fixed panels; the pre-Deadline 5 figure for tracker panels was 218,611 tCO<sub>2</sub>e, reducing to 65,916 tCO<sub>2</sub>e following reassessment. Assuming a reasonable worst case (tracker panels for 40 years, applying the post

Deadline 5 submission figures) with a proportionate adjustment to the figures in **[REP3-132]**, it appears the Applicant has failed to identify that the Scheme becomes a net emitter on its own figures.

2.16.4. Regardless of this, however, SLD was clear in its Written Representation that a significantly greater mischief remained as a result of the Applicant not having land rights secured for the full lifetime secured by the DCO: piecemeal decommissioning.

2.16.5. As explained para 16.3.6 of **[REP1-167]**, the effect of piecemeal decommissioning where the Scheme is not homogenous in its design (i.e. each of the Works Numbers is not evenly spread) is that the need for decommissioning at the end of 40 years (because, say, one landowner has refused to extend) may result in mitigation and enhancement being disproportionately lost an increasing the significant adverse effects of the Scheme. For example, a significant portion of Works No.9 (securing habitat management areas) is included in Lime Down C. Were it the case that, as a result of difficulties with land agreements, Lime Down C required to be decommissioned after 40 years, those Works No.9 areas would be no longer secured. As a result, the environmental mitigations and enhancements therein secured would no longer be part of the Scheme and would be lost.

2.16.6. It is important to note that the draft DCO **[REP7-008]** is itself drafted with the capacity to conduct piecemeal decommissioning of the Scheme in mind. Schedule 2, requirement 20 focuses on “*each part of Works No.1*” (req 20(1)) and “*any part of the authorised development*” (req 20(2)). The Outline Plans secured as part of the Schedule 2 requirements do not seek to manage this specific issue of piecemeal decommissioning as a distinct issue. It is not sufficient, then, for the Applicant to point to the lifetime of the DCO, as the DCO itself envisages that shorter lifetime.

2.16.7. As is apparent from the Applicant's answer from GCT1.11, the Applicant anticipates seeking other agreements and approvals for "*critical infrastructure*" **[REP3-128]**. However, given the point made above, confining this to "*critical infrastructure*" would in SLD's view be insufficient; any loss of leasehold land is likely to result in changes in residual adverse effects of the Scheme. Given Schedule 16, req 2(3) and 2(4) are framed around materially new or materially different environmental effects "*of the application*" (which, here, would be the application for decommissioning), the draft DCO would also not appear currently to secure a way for reassessment of the Scheme as a whole. In any event, it is not accepted this is a proper substitute for lawful assessment now.

2.16.8. In SLD's view, this reflects a flaw in the assessment of the likely significant effects of the Scheme for the purposes of the EIA Regulations. This is not a case where it is speculation what is secured in respect of the Scheme; there is an obvious mismatch between what the Applicant has in fact secured on the one hand, and what is provided for in the draft DCO in the other. Indeed, anything other than assuming the existing length of the leases is speculation, and that is before one properly assesses what is likely to happen based on the reasonable worst case (which, given the effect on GHG emissions among other things, it is apparent that the reasonable worst case is a foreshortened life of the Scheme). It was open to the Applicant to seek development consent for what it actually had secured (a 40-year version of the Scheme, including time needed for commissioning and decommissioning); it has failed to do so.

#### Decommissioning finances

2.16.9. SLD has been concerned throughout the Examination that the Council is left exposed to a residual risk of significant expense in circumstances where the normal processes for decommissioning in the DCO fail. This was most recently raised at para 2.5.12 of **[REP7-145]**. SLD is aware that that the Council proposes to secure wording similar to that in the Helios Renewable Energy Project DCO in the s.106 agreement with the Applicant. SLD consider that this

does not offer sufficient protection, as the Council is not permitted to raise a concern about the sums secured by way of decommissioning bond and require further security. SLD understands the Applicant does not accept the need for such wording. Given there is no mechanism in the DCO or (it would seem) the s.106 to ensure sufficient decommissioning sums are secured, SLD disagree. SLD remain of the view that the decommissioning position puts the Council at real risk of substantial expense.

## **2.17. Cumulative and In-combination Effects**

2.17.1. In its Written Representation at Section 14 **[REP1-167]** SLD set out detail of its case on cumulative and in-combination effects. It identified key design choices in this Scheme made by the Applicant which resulted in significant cumulative and in-combination effects. Among other things, SLD highlighted that the Scheme is not experienced as one large single generating station, the length of the cable route corridor, and the relationship between the Scheme and other developments locally.

2.17.2. This issue of cumulative and in-combination effects has been picked up throughout the Examination by SLD's experts. Evidence related to the lived experience of the Scheme and how it will have cumulative and in-combination effects has also been addressed at Open Floor Hearings. SLD does not propose to repeat those points here, but draws them to the ExA's attention. SLD also refers the ExA to the evidence of its experts specifically directed to cumulative and in-combination effects.

2.17.3. As SLD highlighted in its Written Representation, the cumulative and in-combination effects of this Scheme are a key feature marking the Scheme out as unusual. It reflects why so many residents and visitors consider that the Scheme will industrialise the setting. Each environmental effect adds to that sense, building up the idea that this is no longer a rural and tranquil location but rather one devoted to generation. It is that combination of effects that SLD is particularly

concerned about, and SLD consider it an error to dismiss such effects which are now clearly in evidence.

## **2.18. Planning**

### Introduction

2.18.1. SLD has been assisted by its planning experts ( ) throughout the Examination. They have considered the Applicant's submissions, alongside those of other Interested Parties where appropriate, and considered input from SLD's multi-disciplinary expert team in providing professional views on the benefits and harms of the Scheme. ' original review of the Scheme from a planning perspective is at **[REP1-169]**.

2.18.2. SLD has asked throughout the process to review and input into its submissions. While that includes the specific Site Selection Report submitted at Appendix A of **[REP7-145]** and produced by input has also been included at all deadlines. In doing so, they have maintained an understanding of the Scheme in terms of the changes made and the responses received from the Applicant.

2.18.3. view as set out in the original Planning Position Statement **[REP1-169]** was as follows:

- The CNP Infrastructure presumption does not apply as there are a significant number of instances where the Applicant has failed properly to apply the mitigation hierarchy and avoid and/or mitigate effects (as is required by NPS EN-1 para 4.2.14).
- There are areas where the weight to be afforded to benefits and harms in the planning balance are materially different to that assessed by the Applicant, including identifying areas where significant or substantial negative weight should be applied in the planning balance.

- On the basis of a 'flat balance' where the CNP Infrastructure presumption does not apply, the harms clearly outweigh the benefits, and development consent should be withheld.
- If, instead, the SoS determines that the CNP Infrastructure presumption does apply, exceptions to the presumption apply in this case in respect of human health and public safety matters (as is provided for in NPS EN-1 para 4.2.15), and as a result the balance weighs in favour of withholding development consent.
- Finally, if the SoS determines that the CNP Infrastructure presumption applies, and the presumption is applied without exception, [REDACTED] consider that this case is an exceptional one (in line with NPS EN-1 paras 4.2.15-4.2.17) where the residual harms are sufficient to outweigh the benefits (including the need for this type of infrastructure) and development consent should be withheld.

2.18.4. At the end of the Examination, [REDACTED] have confirmed that they maintain this overall position as set out in the Planning Position Statement.

2.18.5. In their view, the Applicant has not demonstrated, through the submission material or additional submissions, that the analysis described above should be departed from. The requirements of avoidance and mitigation have not been achieved, and exceptions to the presumption on the basis of safety and health risks remain. Those exceptions also include onshore risk of flood (per NPS EN-1 para 5.8.42 and para 4.2.15).

2.18.6. Further, should it be concluded that the CNP Infrastructure presumption does apply, NPS EN-1 para 4.2.15 indicates that the residual impacts are unlikely to outweigh the need for this type of infrastructure. Thus, only in exceptional circumstances should development consent be refused. [REDACTED] remain of the view, informed by the work of the wider SLD technical team, including their conclusions as set out in this Summary Closing Statement, that this is an exceptional case where development consent should be withheld.



Analysis of the planning balance

2.18.7.        Reviewing the work completed by the Applicant and SLD, including the Applicant's most recently updated Planning Statement **[REP7-065]**, [REDACTED] current (updated) view on the weighting of matters in the planning balance is as follows. This again applies the hierarchy of weight in the glossary to NPS EN-1.

|                                                                                                            | Applicant                   |                             | [REDACTED]                                                                                                                                       |                                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Identified Impact                                                                                          | Submission                  | October 2026                | Planning Position Statement (May 2026)                                                                                                           | October 2026                                                                                                                                              |
| Need for renewable energy infrastructure and contribution to electricity generation and security of supply | Substantial positive weight | Substantial positive weight | Substantial positive weight                                                                                                                      | Substantial positive weight                                                                                                                               |
| GHG emissions savings                                                                                      | Substantial positive weight | Substantial positive weight | Neutral weight as benefits through GHG emissions savings are already implied by the need for renewable energy infrastructure.                    | Neutral weight given climate evidence, and as benefits through GHG emissions savings are already implied by the need for renewable energy infrastructure. |
| Ecology and Habitats                                                                                       | Moderate positive weight    | Moderate positive weight    | Moderate negative weight due to failure of the Applicant to demonstrate the proposed development would not result in significant adverse effects | Moderate negative weight due to failure of the Applicant to demonstrate the proposed development would not result in significant adverse effects          |

|                                                               |                             |                             | on habitats and species                                                                                                                                                 | on habitats and species                                                                                                                                                       |
|---------------------------------------------------------------|-----------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Biodiversity net gain                                         | Moderate positive weight    | Moderate positive weight    | Limited positive weight                                                                                                                                                 | Limited positive weight                                                                                                                                                       |
| Connectivity improvements and enhancements – permissive paths | Substantial positive weight | Substantial positive weight | Moderate positive weight. The benefit being delivered through the provision of new permissive paths is diminished by the environment within which they will be located. | Moderate positive weight. The benefit being delivered through the provision of new permissive paths is diminished by the environment within which they will be located.       |
| Employment Generation                                         | Limited positive weight     | Limited positive weight     | Limited positive weight                                                                                                                                                 | Neutral as further work done to assess impact on existing businesses shows negative effect on employment which counters employment opportunities arising from the development |
| Economic Benefits                                             | Limited positive weight     | Limited positive weight     | Limited negative weight                                                                                                                                                 | Moderate negative weight in line of identified impacts on businesses including equine businesses and Grittleton House.                                                        |

| Landscape and visual effects | Landscape effects – moderate negative weight<br>Visual effects - moderate negative weight<br>Landscape and visual impacts are afforded moderate negative weight. | Landscape effects – moderate negative weight<br>Visual effects - moderate negative weight<br>Landscape and visual impacts are afforded moderate negative weight. | Landscape effects – substantial negative weight<br>Visual effects - substantial negative weight<br>Landscape and visual impacts should be afforded substantial negative weight. | Landscape effects – substantial negative weight<br>Visual effects - substantial negative weight<br>Landscape and visual impacts should be afforded substantial negative weight. |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agricultural Land            | Moderate negative weight                                                                                                                                         | Moderate negative weight                                                                                                                                         | Moderate negative weight                                                                                                                                                        | Moderate negative weight                                                                                                                                                        |
| Tourism and Recreation       | Limited negative weight                                                                                                                                          | Limited negative weight                                                                                                                                          | Great negative weight based on a combination of impacts on the local area including impacts on tranquillity, the local highway network, and the landscape setting.              | Great negative weight based on a combination of impacts on the local area including impacts on tranquillity, the local highway network, and the landscape setting.              |
| PRoW                         | Moderate negative weight in the planning balance when                                                                                                            | Moderate negative weight in the planning balance when considered in isolation.                                                                                   | Limited negative weight. We agree with the Applicant's position that harms to PRoW are, in part,                                                                                | Limited negative weight. We agree with the Applicant's position that harms to PRoW are, in part,                                                                                |

|             |                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                   |                                                                                                                                                                                                        |                                                                                                                                                                                                        |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             | <p>considered in isolation.</p> <p>However, on the basis that the visual and socio-economic effects on PRow have already been considered in the wider weightings above for visual effects and effects on tourism and recreation, this weighting should not be double counted.</p> | <p>However, on the basis that the visual and socio-economic effects on PRow have already been considered in the wider weightings above for visual effects and effects on tourism and recreation, this weighting should not be double counted.</p> | <p>assessed through other topics. However, there remains a residual effect not fully considered elsewhere that the PRow will attract less users, a negative weighting should therefore be applied.</p> | <p>assessed through other topics. However, there remains a residual effect not fully considered elsewhere that the PRow will attract less users, a negative weighting should therefore be applied.</p> |
| Air Quality | Neutral weight                                                                                                                                                                                                                                                                    | Neutral weight                                                                                                                                                                                                                                    | <p>Moderate negative weight arising from potential air quality effects from risk of BESS fire, which has not adequately been assessed or mitigated.</p>                                                | <p>Moderate negative weight arising from potential air quality effects from risk of BESS fire, which has not adequately been assessed or mitigated.</p>                                                |
| Woodland    | Neutral weight                                                                                                                                                                                                                                                                    | Neutral weight                                                                                                                                                                                                                                    | Neutral weight                                                                                                                                                                                         | Neutral weight                                                                                                                                                                                         |

|                               |                |                |                                                                                                                                                                                 |                                                                                                                                                                                 |
|-------------------------------|----------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Flood Risk and Drainage       | Neutral weight | Neutral weight | Significant negative weight.                                                                                                                                                    | Significant negative weight.                                                                                                                                                    |
| Historic Environment          | Neutral weight | Neutral weight | Substantial negative weight due to multiple significant adverse effects on heritage assets, including on Grade I Listed Bradfield Manor and Fosse Way.                          | Significant negative weight. Due to significant adverse effects identified on Bradfield Manor (Grade I), Norton Manor (Grade II*) and Fosse Way, but not other assets.          |
| Soils                         | Neutral weight | Neutral weight | Moderate negative weight                                                                                                                                                        | Moderate negative weight                                                                                                                                                        |
| Noise and Vibration           | Neutral weight | Neutral weight | Significant negative weight due to the loss of very quiet background noise levels that are characteristic of the area and the Applicant not seeking to mitigate to below LOAEL. | Significant negative weight due to the loss of very quiet background noise levels that are characteristic of the area and the Applicant not seeking to mitigate to below LOAEL. |
| Traffic and Transport         | Neutral weight | Neutral weight | Substantial negative weight                                                                                                                                                     | Substantial negative weight                                                                                                                                                     |
| Resource and Waste Management | Neutral weight | Neutral weight | Neutral weight                                                                                                                                                                  | Neutral weight                                                                                                                                                                  |

|                                      |                |                |                                                                                                                                  |                                                                                                                                                                                                                       |
|--------------------------------------|----------------|----------------|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Water Quality and Resources          | Neutral weight | Neutral weight | Neutral weight                                                                                                                   | Great negative weight due to a failure to assess total water demand, undertake a reasonable worst-case assessment, significantly underestimate water needs and as a result of concerns over water supply availability |
| Ground Conditions                    | Neutral weight | Neutral weight | Neutral weight                                                                                                                   | Neutral weight                                                                                                                                                                                                        |
| Glint and Glare                      | Neutral weight | Neutral weight | Substantial negative weight due to impact of glare on sensitive receptors including potential persistent safety-related hazards. | Substantial negative weight due to impact of glare on sensitive receptors including potential persistent safety-related hazards.                                                                                      |
| Civil Aviation and Defence Interests | Neutral weight |                | Neutral weight                                                                                                                   | Neutral weight                                                                                                                                                                                                        |
| Battery Safety                       | Neutral weight | Neutral weight | See Air Quality                                                                                                                  | See Air Quality                                                                                                                                                                                                       |
| Human Health                         | Neutral weight | Neutral weight | Moderate negative weight                                                                                                         | Moderate negative weight                                                                                                                                                                                              |

2.18.8. As is highlighted above, [REDACTED] maintains their view that development consent should be withheld in this case, on the basis of the above analysis.

#### The new NPPF

2.18.9. Since the submission of [REDACTED] original Planning Position Statement at Deadline 1, the Government published the new National Planning Policy Framework (**NPPF**) in August 2026. The Framework confirms, at para 13, that it does not contain specific policies for Nationally Significant Infrastructure Projects. Similarly, NPS EN-1 notes that conflicts between NPPF and the NPSs should be resolved in favour of the NPSs. However, NPS EN-1 does recognise that the NPPF, along with other relevant and material matters, should be considered by the SoS (NPS EN-1 paras 4.1.10-4.1.15).

2.18.10. In its updated Planning Statement the Applicant has set out what it considers relevant to this application. The full list is not replicated and considered here; however, [REDACTED] have noted that the new Framework takes a more 'rules-based' approach clarifying the actions applicants have to undertake to address specific policy requirements.

2.18.11. On the basis of [REDACTED] conclusions, and the work of the wider SLD team, we consider the application conflicts with numerous policies of the NPPF. This is consistent with the conflicts identified across design, technical and environmental considerations and the NPSs.

2.18.12. [REDACTED] recognise that these conflicts are not determinative given the primacy of the NPSs, and does not address them further here. However, they are material considerations which indicate again that this is an exceptional case where the residual harms outweigh the benefits of the Scheme.

### **3. Draft DCO**

#### **3.1. Introduction**

3.1.1. In this section SLD provides a consolidated list of the remaining modifications that it considers should be made to the draft DCO. These modifications are suggested in respect of the draft DCO submitted at Deadline 7 **[REP7-008] (the D7 DCO)**.

3.1.2. SLD has had sight of those modifications to the DCO that the Council proposes. A number are matters of drafting upon which SLD has not advanced a positive case, and does not do so here (although, for the avoidance of doubt, SLD supports the principle of the Council seeking amendments to best facilitate its role as the relevant planning authority, and SLD does not object to any amendment proposed by the Council). The below focuses on those modifications which SLD has positively sought in the Examination.

#### **3.2. Schedule 2, requirement 2**

3.2.1. As was most recently highlighted at ISH9 and in SLD's post-hearing submission (**[REP7-145]**), para 2.5.8), SLD considers that the construction phasing plan should be required to be approved by the Council. That is because the scheduling of construction interacts with other outline plans which the Council is required to approve, and that scheduling is pertinent to the avoidance and mitigation of adverse effects. For example, in respect of the OCEMP, such scheduling is relevant to the avoidance of adverse noise effects on sensitive receptors. Similarly, in respect of the OEPMS, such scheduling is relevant to the avoidance of adverse effects on fauna which has seasonal sensitivities. Similarly, in respect of the OCTMP, such scheduling is relevant to the overlap of construction traffic. Not giving oversight to the Council of scheduling risks adverse effects which could properly be avoided or mitigated not being so avoided or mitigated.

3.2.2. SLD has previously highlighted that a number of other DCOs have included such a requirement for approval of the construction phasing plan. This includes One Earth Solar Farm and Springwell Solar Farm ([**REP7-145**], para 2.5.8). That such a requirement is not included in all DCOs is not a basis to exclude it in this case; there are positive reasons to include such a requirement here (related to the outline plans already described above), and the Secretary of State has previously included such a requirement (where appropriate) in other DCOs. Where there are proper reasons for inclusion of the requirement, such as here, it is not sufficient simply to argue that exclusion of the requirement in some DCOs means it should not be a requirement here.

3.2.3. In [**REP7-126**] the Applicant points to various DCOs where a requirement for approval of the construction phasing plan was not required and thus concludes “*promoters had voluntarily agreed to it*”. SLD disagrees with this analysis, which makes no attempt to identify why the requirement was included in some DCOs but not others. In any event, in respect of the Scheme, there are clear positive reasons why a phasing approval requirement should be included (described above). The Applicant has not sought to refute the relevance of phasing in those circumstances (indeed, it cannot, as its own outline management plans also recognise that construction timing will be important to avoiding adverse effects).

3.2.4. SLD understands that the Council has provided the following wording in its Closing Statement. SLD agrees that wording, which inserts “*and approved by*” into the existing wording into the D7 DCO:

**“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.”

### **3.3. Schedule 2, requirement 4**

3.3.1. As was most recently highlighted at ISH7 and in SLD’s post-hearing submission ([REP7-145], para 2.3.24), SLD considers that the CLG should be required to be formed at an earlier time than that currently provided for in the D7 DCO, and to exist for a longer period than currently provided for in that draft.

3.3.2. A principal concern of SLD is that the existing wording in the D7 DCO and the OTOR for the CLG does not secure its establishment early in the design process so that the CLG can have a meaningful involvement in the design decisions which the undertaker must take in constructing the Proposed Development. The D7 DCO merely secures establishment of the CLG prior to the commencement of the Proposed Development, and the OTOR only secures establishment prior to design approval under Requirement 5. However, it is obvious that other outline plans raise issues pertinent to the community and in which the community should properly be engaged. For example, the OCEMP, OLEMP, OEPMS, and the OSRMP. SLD remains concerned that the existing wording in the DCO and the OTOR means that the CLG will be left out of the process notwithstanding the Applicant apparently accepting the need for community involvement.

3.3.3. A further principal concern of SLD in respect of the CLG is that one-year post-final commissioning means that the Group would cease to operate where many of the existing mitigation measures set out in the OCEMP, OOEMP, OLEMP and other outline plans are still becoming established. For example, the OLEMP

makes clear that much of the mitigation planting has an initial five years to bed in with additional obligations on the undertaker to maintain that planting. More generally, the initial period is when the community first grow to live with the Proposed Development. For that reason, it is considered that five years post-final commissioning would be the appropriate period for the CLG initially to operate (albeit with a power in the OTOR for the CLG to curtail that period).

3.3.4. As was set out at para 2.3.28-2.3.31 of **[REP7-145]**, the Applicant's objection to this wording is not understood and appears to be aimed at constraining the role of the CLG. There is no control on the CLG being established late into the design process, excluding it entirely from how decisions are made on outline plans, and the CLM is an insufficient alternative to the established CLG in the bedding-in period. This might be contrasted with the recently made One Earth Solar Farm DCO, which provides for its CLG to exist throughout the life of that scheme (see Schedule 2, requirement 6 of the One Earth Solar Farm Order 2026 (SI 2026/934)).

3.3.5. Both SLD and the Council provided the following wording in their Deadline 7 submissions. SLD and the Council remain agreed on this wording

**"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 term 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.”

3.3.6. As was discussed above, separate to this the Council and SLD have produced an errata to the CLG OTOR which is agreed and the SoS is invited to secure as a document to modify the Applicant’s proposed CLG OTOR if development consent is granted. This is provided at Appendix B.

3.3.7. As is noted below, SLD agree with the Council that the PPWEMP should be treated as an outline document. SLD understand that, if this amendment to requirement 4 is adopted along with the amendment to requirement 13 below, the Council propose that any detailed design in the PPWEMP would be managed through requirement 4(6) if required. SLD agree.

### **3.4. Schedule 2, requirement 13**

3.4.1. At ISH7 ([EV13-003] [EV13-005]) the Council raised a number of concerns with the PPWEMP submitted at Deadline 5 [REP5-106]. SLD agreed that there remained a concerning lack of specificity about the PPWEMP in circumstances where it was not secured as an outline plan. However, SLD recognised that a large number of changes and action points (Action Points 3-16 [EV13-010]) were directed to modifying the PPWEMP and, among other things, increasing its specificity. The updated PPWEMP was provided at Deadline 7 [REP7-114].

3.4.2. SLD’s view remains that the PPWEMP remains lacking in sufficient specificity in some important respects to be secured as a full plan in itself and instead should

be an outline plan subject to the approval of the relevant planning authority. That includes concerns about highway improvement, but also the extent of clearance (which, in various circumstances, is left to “consultation” with the Council – see e.g. Table 3-3 and 3-4).

3.4.3. SLD understands that the Council has provided two sets of wording to give effect to the PPWEMP as an outline plan. Here, SLD includes the first such wording which introduces a new requirement, albeit SLD is content with either wording suggested by the Council:

**“Permitted Preliminary Works Environmental Management Plan**

— (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.”

3.4.4. SLD notes that, were this change to be made, the word “outline” should also be inserted into the name for the plan in Article 2(1) and Schedule 13, Part 1.

### **3.5. Schedule 12**

3.5.1. SLD agrees with the Council that the maximum extent of removal that each hedgerow can be subject to should be stipulated in Schedule 12. The present wording allows a significant amount of hedgerow to be removed, and while the Applicant has provided an indication of the amount likely to be removed in examination, it has offered no clear reason why it should not be limited. SLD supports a maximum extent being secured within the DCO to provide assurance that the restrictions on removal will be followed.

### **3.6. Schedule 16**

3.6.1. SLD has been aware throughout the examination that the Council had concerns about there being sufficient time for it to consider applications by the undertaker for approval of (inter alia) detailed management plans. SLD has similarly had those concerns, not least as (on some occasions) there is automatic approval of detailed management plans in default of the Council determining the application for approval. SLD has previously highlighted this concern, most recently at para 2.5.16 of **[REP7-145]**. As SLD highlighted in its original Written Representation (**[REP1-167]**, p.131) the Planning Inspectorate Advice Note 15 on this issue properly recognises that there should be agreed a “*proportionate timescale for discharge depending on the extent or complexity of detail reserved*”. SLD consider, given the complexity of this case, that timelines in line with those argued for by the Council are appropriate.

3.6.2. SLD is aware that in previous versions of the draft DCO, the Applicant has changed some of the time limits, but that the Council remains concerned about the time periods provided. SLD agrees with the Council, particularly in the context of a Proposed Development which has such a range of environmental effects (and a number of recognised significant effects) across such a large scheme. As such, SLD agrees that the periods for discharge of applications should be 12 weeks rather than 10 as currently provided for in Schedule 16, para 2(2), and 20 working days rather than 15 in Schedule 16, para 3(2).

3.6.3. SLD is aware that the Council has similar concerns about the interaction between Article 47 and its other obligations (principally under Article 16). SLD has previously highlighted this concern, most recently at para 2.5.16 of **[REP7-145]**.

## **4. Conclusion**

- 4.1.1. SLD is grateful for the opportunity to have engaged in this Examination and hopes that its submissions have been of assistance to the ExA and other parties and assist the SoS in determining the application.
- 4.1.2. In respect of those documents submitted at Deadline 7, SLD's review of that material confirms that the additional information has not resolved the concerns raised by SLD at preceding deadlines.
- 4.1.3. Concluding its submissions throughout the Examination, SLD consider that it has presented a strong evidence base to the ExA which identifies a wide range of flaws in the Applicant's application and demonstrates that the Scheme will produce substantially more significant adverse effects than those identified by the Applicant. For all of the reasons set out throughout SLD's submissions, the ExA is asked to recommend to the Secretary of State that development consent be withheld, and the Secretary of State is asked to withhold development consent.



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## 5. Appendixes

## **APPENDIX A**

### **REFERENCED LIST OF SLD SUBMISSIONS TO THE EXAMINATION**



## **Appendix A: Referenced list of SLD submissions to the Examination**

### **Stop Lime Down Table of Submission**

| <b>Examination Library Reference</b> | <b>Date (by deadline date)</b>       | <b>Document Title</b>                                                                      | <b>Link</b>              |
|--------------------------------------|--------------------------------------|--------------------------------------------------------------------------------------------|--------------------------|
| <b>RR-4495</b>                       | 9 January 2026                       | Relevant Representation                                                                    | <a href="#">RR-4495</a>  |
| <b>PDA-012</b>                       | 9 March 2026 - Procedural deadline A | Submission on the examination procedure and timetable                                      | <a href="#">PDA-012</a>  |
| <b>REP1-168</b>                      | 1 May 2026 - Deadline 1              | WR Summary                                                                                 | <a href="#">REP1-168</a> |
| <b>REP1-167</b>                      | 1 May 2026 - Deadline 1              | Written Representation                                                                     | <a href="#">REP1-167</a> |
| <b>REP1-169</b>                      | 1 May 2026 - Deadline 1              | WR Appendix A Planning Position Statement                                                  | <a href="#">REP1-169</a> |
| <b>REP1-170</b>                      | 1 May 2026 - Deadline 1              | WR Appendix B Landscape and Visual Impact Report                                           | <a href="#">REP1-170</a> |
| <b>REP1-171</b>                      | 1 May 2026 - Deadline 1              | WR Appendix C Heritage and Archaeology                                                     | <a href="#">REP1-171</a> |
| <b>REP1-172</b>                      | 1 May 2026 - Deadline 1              | WR Appendix D Transport Report                                                             | <a href="#">REP1-172</a> |
| <b>REP1-173</b>                      | 1 May 2026 - Deadline 1              | WR Appendix E Ecology and Biodiversity Report                                              | <a href="#">REP1-173</a> |
| <b>REP1-174</b>                      | 1 May 2026 - Deadline 1              | WR Appendix F1 Critique of Applicant's Flood Risk Assessment                               | <a href="#">REP1-174</a> |
| <b>REP1-175</b>                      | 1 May 2026 - Deadline 1              | WR Appendix F2 Runoff from Solar Panels                                                    | <a href="#">REP1-175</a> |
| <b>REP1-176</b>                      | 1 May 2026 - Deadline 1              | WR Appendix F3 Observations of Flood Extent above Corston during an Extreme Rainfall Event | <a href="#">REP1-176</a> |
| <b>REP1-177</b>                      | 1 May 2026 - Deadline 1              | WR Appendix F4 Flood Risk due to reduced evaporation at Lime Down                          | <a href="#">REP1-177</a> |
| <b>REP1-178</b>                      | 1 May 2026 - Deadline 1              | WR Appendix G Glint and Glare Assessment                                                   | <a href="#">REP1-178</a> |
| <b>REP1-179</b>                      | 1 May 2026 - Deadline 1              | WR Appendix H Acoustic Report                                                              | <a href="#">REP1-179</a> |
| <b>REP1-180</b>                      | 1 May 2026 - Deadline 1              | WR Appendix I1 Human Health Impacts for Lime Down Solar Park                               | <a href="#">REP1-180</a> |

|                  |                                  |                                                                                                                                                                       |                           |
|------------------|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| <b>REP1-181</b>  | 1 May 2026 -<br>Deadline 1       | WR Appendix I2 Air Pollution Modelling from a BESS Fire at Lime Down                                                                                                  | <a href="#">REP1-181</a>  |
| <b>REP1-182</b>  | 1 May 2026 -<br>Deadline 1       | WR Appendix J1 Review of Applicants ES Chapter 7 on Climate Change                                                                                                    | <a href="#">REP1-182</a>  |
| <b>AS-020</b>    | 1 May 2026 -<br>Deadline 1       | WR Appendix J2 Rev 2 (Withdrawn REP1-183) Replacement: Rainfall Amounts used in the Climate Change Risk Review at Lime Down. <i>Due to administrivia error by SLD</i> | <a href="#">AS-020</a>    |
| <b>REP1-184</b>  | 1 May 2026 -<br>Deadline 1       | WR Appendix K1 Soils and Agriculture Impact Report                                                                                                                    | <a href="#">REP1-184</a>  |
| <b>REP1-185</b>  | 1 May 2026 -<br>Deadline 1       | WR Appendix K2 Soil Site Report                                                                                                                                       | <a href="#">REP1-185</a>  |
| <b>REP1-186</b>  | 1 May 2026 -<br>Deadline 1       | WR Appendix L Site Selection and Alternative Sites Assessment                                                                                                         | <a href="#">REP1-186</a>  |
| <b>REP1-187</b>  | 1 May 2026 -<br>Deadline 1       | WR Appendix Y Lime Down Public Rights of Way Survey                                                                                                                   | <a href="#">REP1-187</a>  |
| <b>REP1-188</b>  | 1 May 2026 -<br>Deadline 1       | WR Appendix Z Combined Baseline and Project Information Plan (internal v10). <i>Also updated version 10.5 submitted 10 June 2026 prior to ASI1</i>                    | <a href="#">REP1-188</a>  |
| <b>REP1A-022</b> | 8 May 2026 -<br>Deadline 1a      | Post-Hearing Submissions incl Preliminary Meeting (PM)                                                                                                                | <a href="#">REP1A-022</a> |
| <b>REP2-051</b>  | 22 May 2026<br>- Deadline 2      | Comments on submissions received at deadlines 1 and 1A                                                                                                                | <a href="#">REP2-051</a>  |
| <b>REP3-173</b>  | 15 June 2026<br>- Deadline 3     | Combined: Responses to the ExA's first written questions ExQ1; Comments on initial SoCGs; and Comments on any other submissions received at deadline 2.               | <a href="#">REP3-173</a>  |
| <b>AS-019</b>    | 2 July 2026                      | Updated Appendix Z Combined Baseline and Project Information Plan (Rev13)                                                                                             | <a href="#">AS-019</a>    |
| <b>REP4-132</b>  | 10 July 2026<br>- Deadline 4     | Combined: Post hearing submissions; Comments on responses to the ExA's first written questions; and Comments on any submissions received at deadline 3.               | <a href="#">REP4-132</a>  |
| <b>REP5-130</b>  | 7 August<br>2026 -<br>Deadline 5 | Combined: Responses to the ExA's second written questions ExQ2; Comments on any submissions received at deadline 4; Protective provisions parties propose to be       | <a href="#">REP5-130</a>  |



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|                 |                             |                                                                                                                                                                               |                                 |
|-----------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
|                 |                             | included in the DCO but have not been agreed by the applicant; and Any further information requested by the ExA.                                                              |                                 |
| <b>REP6-081</b> | 21 August 2026 - Deadline 6 | Comments on responses to the ExA's second written questions ExQ2 and comments on Deadline 5 submissions                                                                       | <a href="#"><u>REP6-081</u></a> |
| <b>REP6-082</b> | 21 August 2026 - Deadline 6 | Updated Appendix Z Combined Baseline and Project Information Plan (Rev 17)                                                                                                    | <a href="#"><u>REP6-082</u></a> |
| <b>AS-027</b>   | 7 September 2026            | Business Survey Report (Accepted at the discretion of the Examining Authority)                                                                                                | <a href="#"><u>AS-027</u></a>   |
| <b>AS-028</b>   | 7 September 2026            | Deadline 6 Transport submission (Additional Submission accepted at the discretion of the Examining Authority) <i>Due to delay in receiving information from the Applicant</i> | <a href="#"><u>AS-028</u></a>   |
| <b>REP7-145</b> | 2 October 2026 - Deadline 7 | Combined: Post hearing submission; and comments on Deadline 6 and 6a submissions                                                                                              | <a href="#"><u>REP7-145</u></a> |
| <b>REP7-165</b> | 12 October 2026             | Additional Transport Submission (late submission accepted at the discretion of the Examining Authority)                                                                       | <a href="#"><u>REP7-165</u></a> |



## **APPENDIX B**

### **OUTLINE TERMS OF REFERENCE ERRATA STATEMENT**



## **Appendix B**

*Note: the below Errata Statement is agreed with the Council and is reproduced in the same form as is also appended to the Council's Closing Summary Statement.*

### **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).”*



## APPENDIX C





**Reply to the Applicant's Response to SLD Deadline 6 Submission – PV-SMaRT Modelling**



**Summary**

1. The Applicant's consultants have produced a rebuttal of SLD's conclusions on runoff modelling at the request of the ExA. This note critiques this rebuttal and concludes that SLD should maintain its view that constructing panel infrastructure on the sensitive soils at Lime Down carries an unacceptable risk of increasing flood risk both on- and off-site.

**Introduction**

2. This note is written in response to **[REP7-130]** *Applicant's Response to SLD Deadline 6 Submission – Hydrology* **[REP5-130]** produced at the request of the ExA as Action Point 11 from ISH5 **[EV11-010]**.
3. SLD's original report (**[REP5-130]** Appendix D) used a model which calculates the effects of solar panels on runoff, PV-SMaRT, which is based on research from the University of Minnesota, USA. The model was parameterized from the Applicant's measured soil data and from the National Soil Map. Results were generated for a range of soil types depending on the availability of soil data, and the effects of different vegetation types, panel sizes and panel orientations relative to the slope were explored. It showed that sowing and maintaining a diverse grass sward under the panel drip lines was not sufficient to control runoff and prevent flooding off-site on four of the five soil series present in the area. Only for one soil series was this true. For the other four soil series, probable rainfall events lead to enhanced runoff from the panel areas, and increased flood risk both on- and off-site.
4. In **[REP7-130]**, Arthian Consultants for the Applicant attempt to refute this conclusion. Their main substantive point is that SLD's study has retained the same

vegetation types both with and without panels, in order to facilitate the comparison. In the Scheme, however, arable land without panels will be replaced by a sown grass sward with panels, and this would be a more appropriate comparison. Since they claim that arable land is more prone to runoff than grassland, this would eliminate or reverse the effect of the panels on runoff. To test this, they ran the PV-SMaRT Model on some of the most sensitive sites in the SLD study, in Areas A, C, and E, comparing arable land without panels with either newly-established pollinator vegetation or established mature grassland, for both along contour and mixed 50:50 along- and across-contour orientation, and using the large tracking panels. Of the 16 comparisons made, 13 showed a decrease in runoff under panels and 3 showed an increase. All three increases were with the mixed orientation. The Applicant thus concludes that SLD's assessment "does not demonstrate a material risk in runoff from the Scheme or an increase in flood risk elsewhere".

### **Critique of the Rebuttal**

5. SLD accepts that, as with any model, differences in parameterization will lead to different results and possibly different conclusions. A relatively simple model like PV-SMaRT gives an opportunity to critically review the parameters chosen and how well they represent reality. SLD also accepts that it is better to compare runoff from pre-construction vegetation with runoff from post-construction vegetation rather than keeping vegetation constant, although the latter allows the effects of the panels to be isolated. The discussion thus centres on how well the parameters the Applicant has chosen represent conditions on the ground.
6. The Model gives three choices of vegetation type to represent arable land. They are:
  - *Row Crop – Straight Row, Poor Management* – detailed description "Row crop not planted along contour, lack of year-round cover and crop residue cover <20%"

- *Row Crop, Straight Row, Good Management* - detailed description “Row crop not planted along contour, year-round cover and crop residue cover >20%”
  - *Row Crop, Contoured, Good Management* - detailed description “Row crop planted along contour, year-round cover and crop residue cover >20%”
7. None of these is a very good representation of British conditions. The Applicant has chosen the first of these which is the most sensitive to runoff. However, crop residue cover under 20% is not typical of the area, and except for a few weeks after sowing, cover would be much greater. This choice is likely to exaggerate the runoff from arable land compared to the real situation. It would have been better to have tested both the first two choices as a sensitivity analysis.
8. A second point is that not all the areas to be covered by panels are existing arable land. A significant proportion is already grassland, and here the model shows that the pre-existing established vegetation will be better at absorbing rainfall than the newly planted grass, irrespective of whether there are panels. The baseline habitats maps ES, Figures 9.1.8 to 9.1.12 [APP-113] show substantial areas of grassland, neutral grassland, grass-clover leys, and arable field margins which will also be grassland. The PV-SMaRT Model can be used to assess the effects of constructing panels on existing grassland using the same methodology as the Applicant. Table 1 below is derived from Tables 2-7 in [REP5-130], Appendix D by comparing a pre-existing vegetation of mature grassland with a post-construction vegetation of newly-planted pollinator grassland under tracking panels.

| Site          | Vegetation                            | Panel Orientation | Runoff (mm) | Difference in Runoff (mm) |
|---------------|---------------------------------------|-------------------|-------------|---------------------------|
| Site 1 Area A | Pre-existing sward                    |                   | 13.46       |                           |
|               | Newly-established pollinator panels + | Follows Contours  | 34.04       | +20.6                     |
|               |                                       | Mixed / 50:50     | 50.00       | +36.5                     |
| Site 3 Area C | Pre-existing sward                    |                   | 11.43       |                           |

|               |                                       |                  |       |       |
|---------------|---------------------------------------|------------------|-------|-------|
|               | Newly-established pollinator panels + | Follows Contours | 29.21 | +17.8 |
|               |                                       | Mixed / 50:50    | 44.20 | +42.8 |
| Site 6 Area E | Pre-existing sward                    |                  | 9.40  |       |
|               | Newly-established pollinator panels + | Follows Contours | 24.38 | +15.0 |
|               |                                       | Mixed / 50:50    | 36.58 | +27.2 |
|               | Pre-existing sward                    |                  | 8.64  |       |
| Site 7 Area E | Newly-established pollinator panels + | Follows Contours | 28.45 | +19.8 |
|               |                                       | Mixed / 50:50    | 29.72 | +21.1 |
|               | Pre-existing sward                    |                  |       |       |
|               |                                       |                  |       |       |

**Table 1: Effect of Replacing Existing Grassland with Newly-seeded Grassland under Panels**

9. Table 1 shows very substantial increases of runoff where panels and newly-planted grassland replace existing grassland on all sensitive soil types (the Sherbourne series soils show no increase in runoff under these conditions – see [REP5-130]). The increases are largest where the panels do not follow the land contours. The PV-SMaRT authors suggest it would take about 15 years for the newly-established sward to transition to established grassland, based on US experience, and hence these enhanced runoff rates are likely to last for a considerable time.
10. The third point is that SLD cannot reproduce the exact values for runoff differences given an initial arable sward replaced by grassland + panels as calculated by the Applicant. Though the trend is the same, the Applicant's values for runoff enhancement due to panels are always smaller than SLD's values, even though exactly the same model parameters should have been used. Tables 2-5 below show the data from the Applicant's Tables 3-1 to 3-3 from [REP7-130] with the addition of SLD's calculations for the same conditions.

| Existing Condition | Proposed Condition | PV-SMaRT array assumption | Difference in Expected Runoff (mm) - Applicant | Difference in Expected Runoff (mm) – SLD |
|--------------------|--------------------|---------------------------|------------------------------------------------|------------------------------------------|
|--------------------|--------------------|---------------------------|------------------------------------------------|------------------------------------------|



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|                                                   |                                          |                     |       |       |
|---------------------------------------------------|------------------------------------------|---------------------|-------|-------|
| Row Crop –<br>Straight Row,<br>Poor<br>Management | Newly<br>established<br>Pollinator       | Follows<br>Contours | -4.3  | +1.8  |
|                                                   |                                          | Mixed / 50:50       | +9.9  | +17.7 |
|                                                   | Established<br>Operational<br>Vegetation | Follows<br>Contours | -13.7 | -9.9  |
|                                                   |                                          | Mixed / 50:50       | -4.8  | +1.0  |

**Table 2: Runoff Enhancement Comparison – Site 1 (AREA A)**

| Existing<br>Condition                             | Proposed<br>Condition                    | PV-SMaRT<br>array<br>assumption | Difference in<br>Expected<br>Runoff (mm) -<br>Applicant | Difference in<br>Expected<br>Runoff (mm)<br>– SLD |
|---------------------------------------------------|------------------------------------------|---------------------------------|---------------------------------------------------------|---------------------------------------------------|
| Row Crop –<br>Straight Row,<br>Poor<br>Management | Newly<br>established<br>Pollinator       | Follows<br>Contours             | -0.8                                                    | -0.3                                              |
|                                                   |                                          | Mixed / 50:50                   | +0.3                                                    | +1.0                                              |
|                                                   | Established<br>Operational<br>Vegetation | Follows<br>Contours             | -2.5                                                    | -2.3                                              |
|                                                   |                                          | Mixed / 50:50                   | -2.0                                                    | -1.5                                              |

**Table 3: Runoff Enhancement Comparison – Site 3 (AREA C)**



| Existing Condition                       | Proposed Condition                 | PV-SMaRT array assumption | Difference in Expected Runoff (mm) - Applicant | Difference in Expected Runoff (mm) – SLD |
|------------------------------------------|------------------------------------|---------------------------|------------------------------------------------|------------------------------------------|
| Row Crop – Straight Row, Poor Management | Newly established Pollinator       | Follows Contours          | -3.8                                           | +1.3                                     |
|                                          |                                    | Mixed / 50:50             | +5.6                                           | +13.5                                    |
|                                          | Established Operational Vegetation | Follows Contours          | -10.7                                          | -7.1                                     |
|                                          |                                    | Mixed / 50:50             | -4.3                                           | +0.8                                     |

**Table 4: Runoff Enhancement Comparison – Site 6 (AREA E)**

| Existing Condition                       | Proposed Condition                 | PV-SMaRT array assumption | Difference in Expected Runoff (mm) - Applicant | Difference in Expected Runoff (mm) – SLD |
|------------------------------------------|------------------------------------|---------------------------|------------------------------------------------|------------------------------------------|
| Row Crop – Straight Row, Poor Management | Newly established Pollinator       | Follows Contours          | -7.4                                           | -2.3                                     |
|                                          |                                    | Mixed / 50:50             | -5.3                                           | +2.8                                     |
|                                          | Established Operational Vegetation | Follows Contours          | -8.6                                           | -5.8                                     |
|                                          |                                    | Mixed / 50:50             | -8.4                                           | -3.0                                     |

**Table 5: Runoff Enhancement Comparison – Site 7 (AREA E)**

11. Using the comparison with an initial arable vegetation does reduce the runoff enhancement due to panel construction compared to SLD's estimates in [REP5-130] Appendix D. However, in contrast to the Applicant's estimates, SLD's calculations show an even split between enhancements and reductions in runoff, with eight in each category. The reason for this discrepancy is unclear. Section 3.3.2 implies that a lower bulk density has been used for the post-development values, though the statement is ambiguous. There seems no reason to use lower bulk densities post-development, as if anything compression would increase bulk density, but their use would tend to decrease runoff values.

12. It is clear from both sets of modelling that runoff will increase at Lime Down compared to the conventional arrangement of panels, given that panel orientation will only rarely follow the land contours. The Report states (4.1.4) “The Applicant is not relying on cross-slope orientation as flood risk mitigation...” This is SLD’s point as well – the modelling shows that as the panels have to be installed independently of the slope, flood risk would increase considerably where the orientation is not predominantly across the slope. The Applicant’s response did not address the question of panel size, being based only on the use of large tracking panels, so the conclusion that the larger panels increase runoff still stands.
13. The Report does not address most of the remainder of the ExA’s Action points directly, simply re-iterating the Applicant’s previously-stated positions. It does devote considerable space to refuting claims that SLD has not in fact made, such as that Figure 1 in the report represents runoff from Lime Down (2.1.3) or that the results are representative of individual fields or areas (2.3.2 to 2.3.4, 6.1.5). SLD considers that the PV-SMaRT Model is an indication of the *risk* of generating excess runoff from individual areas of the site. It has been applied using the best data available, and shows that over much of the site the risks are considerable. There will of course be spatial variability, but there is no evidence that this will alter the overall conclusions. The model also quantifies the relative risks of factors which are accepted to influence runoff generation, and whether they are likely to be significant under the circumstances. These factors include vegetation type, soil characteristics, panel size and panel orientation relative to the slope. On most soil types the modelling shows that, at Lime Down, the effects will be significant and that the Applicant’s proposed amelioration will not be effective.

## **Conclusion**

14. SLD maintains its position that the results of the PV-SMaRT modelling demonstrate that constructing panel infrastructure on the sensitive soils of Lime Down is likely to lead to an increase in flood risk both on-site and elsewhere. The Applicant’s rebuttal fails because it has used a model parameterization which unduly increases



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the existing runoff from arable land, because it ignores the increase in runoff when panels are constructed on existing grassland, and because of discrepancies in the modelling outputs. The increases in runoff due to the use of large panels and panel orientation are not addressed by the Applicant and remain significant risks.