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## MELKSHAM WITHOUT PARISH COUNCIL

Clerk: Mrs Teresa Strange

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Tuesday 27<sup>th</sup> January 2026

To all members of the Council Planning Committee: Councillors Richard Wood, Alan Baines, David Pafford (Vice-Chair of Council), John Glover (Chair of Council), Mark Harris, Peter Richardson and Martin Franks

You are summoned to attend the Planning Committee Meeting which will be held on **Monday 2<sup>nd</sup> February 2026 at 7.00pm** at **Melksham Without Parish Council Offices (First Floor), Melksham Community Campus, Market Place, SN12 6ES** to consider the agenda below:

**TO ACCESS THE MEETING REMOTELY, PLEASE FOLLOW THE ZOOM LINK BELOW.  
THE LINK WILL ALSO BE POSTED ON THE PARISH COUNCIL WEBSITE WHEN IT GOES  
LIVE SHORTLY BEFORE 7PM.**

<https://us02web.zoom.us/j/2791815985?pwd=Y2x5T25DRIVWVU54UW1YWWE4NkNrZz09&omn=86967040225>

Or go to [www.zoom.us](http://www.zoom.us) or Phone 0131 4601196 and enter: **Meeting ID: 279 181 5985**  
**Passcode: 070920**. Instructions on how to access Zoom are on the parish council website [www.melkshamwithout-pc.gov.uk](http://www.melkshamwithout-pc.gov.uk). If you have difficulties accessing the meeting please call (do not text) the out of hours mobile: 07341 474234

**YOU CAN ACCESS THE AGENDA PACK HERE**

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Teresa Strange'.

Teresa Strange, Clerk



Serving rural communities around Melksham

## AGENDA

- 1. Welcome, Announcements & Housekeeping**
- 2. To receive Apologies and approval of reasons given**
- 3. Declarations of Interest**
  - a. To receive Declarations of Interest.
  - b. To consider for approval any Dispensation Requests received by the Clerk and not previously considered.
- 4. To consider holding items in Closed Session due to confidential nature**

*Under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during consideration of agenda items where publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.*
- 5. Public Participation**
- 6. To consider the following new Planning Applications**, including Permission in Principle applications received within the required timeframe (14 days):
  - a. **PL/2025/09917 Land to the east of New Road, Melksham, SN12 7QZ** Outline planning permission: Some matters reserved: Outline permission for the erection of up to 2 self-build dwellings and associated infrastructure, all matters are reserved except for access. Applicant Name: Mr Stuart Little. **Comments By: 9<sup>th</sup> February 2026**
  - b. **PL/2025/08409 Outmarsh Farm, Outmarsh, Semington, Trowbridge, BA14 6JX** Full planning permission: Retrospective application for the siting of a static caravan for temporary residential use in connection with agricultural operations for a period of three years. Applicant Name: Mr Robert Vaughan. **Comments By: 11<sup>th</sup> February 2026**
  - c. **PL/2026/00066 Kays Cottage, 489 Semington Road, Melksham, SN12 6DR** Householder planning permission: Proposed extension over part of the existing single-storey rear extension (Resubmission of application PL/2022/08518). Applicant Name: Mr Paul Williams. **Comments By: 18<sup>th</sup> February 2026**
  - d. **PL/2026/00307 The Heights, 262A Sandridge Hill, Sandridge Common, Melksham, SN12 7QX** Householder planning permission: Single storey rear oak frame extension together with internal reconfiguration. Applicant Name: Mr & Mrs Freeman. **Comments By: 19<sup>th</sup> February 2026**
  - e. **PL/2025/09780 Land to the north of the A3102, Melksham, Wiltshire**. Outline planning permission: Some matters reserved: Outline planning application for the construction of 295 homes; public open space including formal play space and allotments; sustainable drainage systems and associated infrastructure; a 100 place nursery and access points for pedestrians and cyclists. All matters are reserved except for access, the principal point of access is to be provided from a new northern arm onto an improved arrangement of the Eastern Way/A3102 roundabout junction and an emergency access onto the A3102. Applicant Name: Bloor Homes South West **Comments By: 27<sup>th</sup> February 2026**

NOTE: This application has been submitted alongside application ref. PL/2024/10345

7. **Amended Plans/Additional Information:** To comment on any revised/amended plans/additional information on planning applications received within the required timeframe (14 days).
8. **Current planning applications:** Standing item for issues/queries arising during period of applications awaiting decision.
  - a. **PL/2024/10345: Land north of the A3102, Melksham (New Road Farm)**  
The construction of 295 homes; public open space, including formal play space and allotments; sustainable drainage systems; and associated infrastructure; with 0.4ha of land safeguarded for a nursery. The principal point of access is to be provided from a new northern arm on the existing Eastern Way/A3102 roundabout junction, with a secondary access onto the A3102. Additional access points are proposed for pedestrians and cyclists. Applicant: Bloor Homes South West
    - To note new comments from Urban Design and Landscape.
  - b. **PL/2025/06749 - Land North of Bath Road (A365), Melksham (Adjacent to Melksham Oak Community School)**  
Outline planning application (with all matters except access reserved) for mixed use development comprising residential (up to 205 dwellings), land reserved for expansion of secondary school, public open space, landscaping and associated engineering works. Applicant Name: Hannick Homes & Developments Ltd
    - To note new comments from Conservation.
    - To note correspondence regarding holistic review of A365 Bowerhill and to consider next steps (if received).
    - To note the meeting with the developer (Hannick) to be held on 11<sup>th</sup> February 2026
  - c. **PL/2025/06105 Land at Bowerhill Lane, Bowerhill, Melksham (Old Loves Farm)**  
Outline Planning Permission: Erection of up to 50 No. dwellings and associated works
    - No new documents or comments from statutory consultees.
  - d. **PL/2024/11426: Land to the South of A365 Bath Road and West of Turnpike Garage, Melksham, Wilts (Gompels)**: Outline planning permission: All matters reserved. Construction of warehouse with office space, parking and associated landscaping including site access.
    - To note new comments from Landscape
  - e. **PL/2025/07391 - Land South of Western Way, Melksham, Wiltshire**  
Approval of reserved matters: Reserved Matters (appearance, landscaping, layout and scale) for 210 residential dwellings (Use Class C3), along with associated open space, landscaping, and parking, pursuant to Condition 2 of Outline Planning Permission ref. PL/2022/08504. Applicant Name: BWD Trading
    - To note new comments from Conservation.
    - To note feedback from meeting with Developer held on 27<sup>th</sup> January 2026 and to consider any response. To approve meeting notes (if available).

- f. **PL/2025/00626 Land North of Berryfield Lane, Melksham, SN12 6DT**: Outline planning application for up to 68 dwellings and formation of new access and associated works (All matters reserved other than access).
  - No new documents or comments.
- g. **PL/2024/09725 Land off Corsham Road, Whitley, Melksham (Middle Farm)**
  - Outline planning application (with access, layout and landscaping to be approved) for up to 22 dwellings, new access off Corsham Road, public open space, drainage and associated works.
  - No new documents or comments.

## 9. Proposed Energy Installations

- a. Lime Down Solar
  - To note that comments (relevant representations) have been published (<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010168/representations>).
  - To note Wiltshire Council's submitted comments.
- b. Cable Route for Norrington Spring Park Project (Aureos for SSEN Distribution) and Studley Solar Farm (DNOC for Verdant Energy)
  - To note works on Westlands Lane which started 26<sup>th</sup> January 2026 for 9 weeks for both projects
  - To receive feedback from public drop-in sessions:
    - Wednesday 14<sup>th</sup> January about Studley Solar Farm (DNOC for Verdant Energy)
    - Tuesday 20<sup>th</sup> January and Thursday 22<sup>nd</sup> January for Norrington Spring Park Project (Aureos for SSEN Distribution)
  - To consider correspondence from National Grid Electricity Transmissions regarding the impact of the Westlands Lane closure on their traffic management plan.
- c. **PL/2025/05552 Land South of Brockleaze, Neston, Corsham, SN13 9TE**. Full planning permission: Battery Energy Storage System with associated infrastructure.
- d. To receive an update on Wiltshire Council Engagement about Cumulative Impact.
- e. To note and consider response to Future Energy Landscapes consultation (proposals adjacent to northern parish boundary)

## 10. Planning Policy:

- a. **Joint Melksham Neighbourhood Plan (NHP):**
  - To reflect on responses to planning applications and recent appeal for future review of the Neighbourhood Plan (standing item)
- b. **Wiltshire Council's Draft Local Plan Examination:** To consider any updates <https://www.localplanservices.co.uk/wiltshirepexamination>
- c. **National Planning Policy Framework (NPPF)**
  - To note consultation on changes to NPPF and headlines. Consultation deadline of 10<sup>th</sup> March 2026.

**11. Premises Licenses applications and decisions:**

**12. Melksham Link Planning Application**

To note update from Wilts and Berks Canal Trust (WBCT) on the progress of the update on the Melksham Link

**13. Street Naming**

To consider street naming themes for Land to the east of New Road (PL/2025/09917), Land South of Western Way (PL/2025/07391), Land off Corsham Road (Middle Farm) (PL/2024/09725) and Land at Blackmore Farm (PL/2023/11188).

**14. Appeals**

**a. Appeal Hearings**

[PL/2024/10674](#): Land off Woodrow Road – start Tuesday 3<sup>rd</sup> February 2026

To receive update on parish council's representation and strategy.

[PL/2024/07097](#): Land south of Snarltion Farm – start Tuesday 20<sup>th</sup> January 2026

- To note the CIL Compliance Statement, Agreed Conditions and Agreed S106 (23.01.26) – only relevant if appeal upheld
- To note the appeal decision is expected by 5<sup>th</sup> March 2026 pending call-in to the Secretary of State

**b. [PL/2023/05883](#): Land to the rear of 52e, Chapel Lane, Beanacre**

To note appeal decision (if determined)

**c. [PL/2025/08613](#) Land South of 214B Corsham Road, Whitley**

To note appeal 6003438 (written representations) and to consider updating comments (deadline **18<sup>th</sup> February 2026**)

**15. Planning Enforcement: To note any new planning enforcement queries raised and updates on previous enforcement queries.**

- a. Top Lane, Whitley (if response received)

**16. S106 Agreements and Developer meetings: (Standing Item)**

**a. Updates on ongoing and new S106 Agreements**

- Pathfinder Place
- Buckley Gardens S106 Highways contribution
- To receive feedback from S106 cemetery contribution requests (if received)
- To note any S106 decisions made under delegated powers

**b. Contact with developers:**

- To arrange/provide feedback from meeting with new owners of Cooper Tires site related to demolition works.

Copy to all Councillors

## Teresa Strange

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**From:** Committee Clerk <committee.clerk@melksham-tc.gov.uk>  
**Sent:** 27 January 2026 13:54  
**To:** EcDev  
**Cc:** Teresa Strange  
**Subject:** meeting next week

Good afternoon all.

We have received notification from Wiltshire Council of an outline planning application **PL/2025/09780.**

This will be on the MWPC agenda for 2<sup>nd</sup> February and our agenda for 3<sup>rd</sup> February. Teresa has been in contact with the planning officer and this application is in essence a back up because the developers originally went straight to a full planning application PL/2024/10345.

Teresa has also pointed out to me that our latest submission on PL/2024/10345 says that we object to the application. The resolution was actually not to support. I have today added a further comment as below and have emailed the planning officer advising of the error.

*“Clarification of the submission of Melksham Town Council on 18th December 2025 stating that the council objects to the development. At the meeting on 16th December 2025 the Economic Development & Planning Committee expressed concerns about the proposals and resolved not to support. The concerns were detailed in the submission and response of “objection” was due to input error when using the dropdown box.”*

Regards.

Andrew



### Andrew Meacham

**Committee Clerk**

**01225 704 187**

**[committee.clerk@melksham-tc.gov.uk](mailto:committee.clerk@melksham-tc.gov.uk)**

**[www.melksham-tc.gov.uk](http://www.melksham-tc.gov.uk)**

Melksham Town Council, Town Hall,  
Market Place, Melksham, Wiltshire SN12 6ES



## Teresa Strange

---

**From:** Teresa Strange  
**Sent:** 27 January 2026 15:12  
**To:** Baker, Dean; Renfrew, Stuart; Thompson, Andy  
**Cc:** Fiona Dey; Nick.Holder@wiltshire.gov.uk  
**Subject:** Mud on the road and damage to verge by developers - Land south of Western Way

Hi highways team, not sure who to send this to so sent to all 3 of you.😊

Let me know if you would like on the app, but as its not adopted highway and know who did it, I am emailing directly. It's not a high speed road, just residential.

I have contacted the developers direct below.

This mud on the road and damage to the verge has been done by a digger on and off site to Land south of Western Way which has outline permission but not yet reserved matters approval (PL/2025/07391). The land has been bought by David Wilson. Contact details below on the email trail.

They used Maitland Place to gain access for a digger to investigate on site.

As Maitland Place has not yet been adopted I have copied in Andy Thompson too.

We met with them only a couple of hours ago and explained the parish council's concerns about Maitland Place being used for construction traffic.

Natalie Rivans opened an enforcement case about the work on site as a result of residents contacting her, I will let her know ENF/2025/0049 refers.

With kind regards, Teresa

Teresa Strange  
Clerk & Responsible Financial Officer  
Melksham Without Parish Council  
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**Wellbeing Statement** I may send emails outside office hours but never with any expectation of response. Please just get back to me when you can within your own working hours. Thank you.

Want to keep in touch?

Follow us on facebook: Melksham Without Parish Council or Teresa Strange (Clerk) for additional community news

On X: [@melkshamwithout](https://twitter.com/melkshamwithout)

On Instagram: [melkshamwithoutpc](https://www.instagram.com/melkshamwithoutpc)

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---

**From:** Teresa Strange

**Sent:** 27 January 2026 15:02

**To:** 'Counsell, Charlotte' <Charlotte.Counsell@barratthomes.co.uk>; Matthew Roberts <matthew.roberts@jbp.co.uk>

**Cc:** Fiona Dey <office@melkshamwithout-pc.gov.uk>; Sims, Steven <Steven.Sims@wiltshire.gov.uk>; Jones, Hannah <hannah.jones@wiltshire.gov.uk>; nick.holder@wiltshire.gov.uk

**Subject:** RE: \*EXTERNAL:RE: A503\_Melksham\_Reserved Matters at Land South of Western Way, Melksham, Wilts

Hi Charlotte

Good to meet with you and your colleagues this morning.

Further to the concerns raised this morning about the use of Maitland Place for construction traffic, please see attached photos that I have just been sent by Maitland Place residents of the mud left of the road following the digger removal from site yesterday; and verge damage.

Can you please confirm that this will be cleaned up?

With kind regards, Teresa





---

**From:** Counsell, Charlotte <Charlotte.Counsell@barrathomes.co.uk>  
**Sent:** 20 January 2026 10:19  
**To:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>

# **Lime Down Solar Park**

**Planning Inspectorate Reference:  
EN010168**

**Wiltshire Council Relevant Representation**

**January 2026**

**Wiltshire Council**

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## 1. Acronyms and Abbreviations

Acronym / Abbreviation	Meaning / Description
ACoW	Arboricultural Clerk of Works
AIA	Agricultural Impact Assessment
AIL	Abnormal Indivisible Load
AMP	Archaeological Management Plan
AMS	Agricultural Method Statement
BESS	Battery Energy Storage System
BNG	Biodiversity Net Gain
CB	Carbon Budget
CEMP	Construction Environmental Management Plan
CNL	Cotswolds National Landscape
CRC	Cable Route Corridor
CTMP	Construction Traffic Management Plan
DAMS	Detailed Archaeological Mitigation Strategy
DCO	Development Consent Order
ddCO	Draft Development Consent Order
DLL	District Level Licensing Scheme
DMP	Dust Management Plan
EIA	Environmental Impact Assessment
EPMS	Ecological Protection and Mitigation Strategy
ES	Environmental Statement
FTE	Full Time Equivalent
GCN	Great Crested Newt
GHG	Greenhouse Gas
GLVIA3	Guidelines for Landscape and Visual Impact Assessment (third edition)
GVA	Gross Value Added
Ha	Hectare
HA 1980	Highways Act 1980
HDD	Horizontal Directional Drilling
HGV	Heavy Goods Vehicle
HIA	Highway Improvement Area
HPI	Habitats of Principal Importance
HRA	Habitats Regulation Assessment
IACPC	Impact Assessment and Conservation Payment Certificate
LCA	Landscape Character Area
LCT	Landscape Character Type
LEMP	Landscape and Ecological Management Plan
LIR	Local Impact Report
LLFA	Lead Local Flood Authority
LNR	Local Nature Reserve
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Sites
MW	Megawatt

Acronym / Abbreviation	Meaning / Description
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NRMM	Non-Road Mobile Machinery
NSIP	Nationally Significant Infrastructure Project
OEMP	Operational Environmental Management Plan
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
PRF	Potential Roosting Features
PRoW	Public Rights of Way
RPA	Root Protection Area
RSA	Road Safety Audit
SAC	Special Area of Conservation
SMR	Strip, Map and Record
SOAEL	Significant Observed Adverse Effect Level
SP	Solar Photovoltaic
SPA	Special Protection Area
SPZ	Source Protection Zone
SSSI	Site of Special Scientific Interest
SSWSI	Site-Specific Written Scheme of Investigation
TCC	Temporary Construction Compounds
TTRO	Temporary Traffic Regulation Order
WCAS	Wiltshire Council Archaeology Service
WCS	Wiltshire Core Strategy
ZoI	Zone of Influence
ZTV	Zone of Theoretical Visibility

## 2. Executive Summary

- 2.1. Wiltshire Council is the primary host authority for the proposed Lime Down Solar Park, which spans 1,237Ha, including 749Ha of solar PV arrays and a 22km cable route corridor (CRC). It is located north of the M4, close to sensitive landscapes and ecological designations. The design life is 60 years (2029-2089). The scale and dispersed nature of the scheme raise concerns about serious cumulative impacts on landscape, ecology, heritage and communities. Significant details remain unresolved, including construction methodologies, access arrangements and embedded mitigation measures.
- 2.2. While national policy strongly supports renewable energy, Wiltshire's Climate Strategy commits to carbon neutrality by 2030. Local policies (Core Policy 42 and emerging Local Plan Policy 86) require robust mitigation for landscape, biodiversity, transport and heritage impacts. The council considers that compliance cannot yet be demonstrated due to outstanding information and insufficient mitigation proposals.
- 2.3. The Applicant relies on the Rochdale Envelope for flexibility, but Wiltshire Council questions whether worst-case scenarios have been properly assessed. The Examining Authority (ExA) is asked to scrutinise whether the DCO

parameters allow adequate environmental assessment and appropriate enforceable mitigation.

- 2.4. The scheme offers long-term net carbon savings (approximately 218,000-254,000 tCO<sub>2</sub>e over 60 years) but construction emissions of circa 237,000 tCO<sub>2</sub>e will occur in the first two years; the equivalent to 4% of Wiltshire's annual emissions. Carbon break-even is not achieved until at least 2076 (council estimate) and may never be achieved in relation to whole life carbon emissions. Therefore, it is important to ensure that the long-term benefits outweigh the shorter-term impacts, on not only emissions and carbon budgets, but also the wider environmental, economic and community impacts.
- 2.5. The scheme will cause substantial, long-term harm to landscape character over 749Ha, in a sensitive location near the CNL. Whilst the LVIA methodology is broadly compliant with best practice, the council considers the assessment outputs are muddled, inaccurate, in places incomplete and lack transparency. Key concerns include:
  - Underestimation of effects on Landscape Fabric, landscape character and settlement settings
  - Lack of robust cumulative landscape assessment and sequential visual assessment (e.g., Fosse Way)
  - Embedded mitigation (hedgerows, buffers etc.) lacks clear linkage to baseline character and may cause further harm
  - The draft DCO (dDCO) does not secure updates to Landscape and Ecology Mitigation Plans as the design evolves. A LEMP must be produced for the five Sites (A-E) and the CRC
  - The council considers compliance with Core Policy 51 ("protect and enhance landscape character") is impossible at this scale.
- 2.6. The council identified significant gaps in the ecological baseline data, especially for the CRC:
  - 17Ha un-surveyed; reliance on assumptions
  - No bat surveys in CRC despite proximity to Bath & Bradford-on-Avon Bats SAC and Bechstein's bat core areas around core maternity roosts
  - No breeding bird or wintering bird surveys in CRC
  - No otter, water vole, or white-clawed crayfish surveys
  - Great Crested Newt mitigation relies on District Level Licensing, but IACPC certificate from National England is missing
  - Mitigation measures (buffers, HDD under sensitive habitats etc.) are welcomed but inconsistently applied.
- 2.7. The ExA should require the Applicant to:
  - Complete and submit all outstanding surveys
  - Adopt a precautionary approach for assumed habitats

- Submit a detailed Ecological Mitigation and Enhancement Plan, Biodiversity Monitoring Strategy and enforceable BNG commitments. The BNG metric was submitted as a PDF rather than the required unlocked Excel format, which prevented full review.

2.8. Furthermore, the ExA is requested to review the HRA with caution and require stipulation of the maximum extent of hedgerow that can be removed in dDCO Schedule 12, Parts 1 and 2.

2.9. In relation to arboriculture, the council's concerns include:

- Potential impacts on 36 veteran trees and ancient woodland buffers
- Lack of clarity on proposed methods and materials for construction of BESS piling and foundations near root protection areas
- Insufficient detail on root protection at easement locations and for compound construction
- The council will require a Detailed Arboricultural Method statement, covering foundation and piling design, facilitated pruning and arboricultural supervision within or near root protection areas including trees and hedgerows, prepared in accordance with relevant BS standards.

2.10. The area has experienced frequent and significant flooding events. The council considers that the flood risk assessment aligns with NPPF and EA guidance, but there is limited cumulative assessment of the solar sites and CRC during construction. There is also missing linkage to Wiltshire's SuDS SPD and SFRA guidance. As there is no formal drainage strategy for the CRC, the DCO should secure detailed HDD design, riparian buffers integrated with SuDS and groundwater monitoring in source protection zone areas. Furthermore, the council requires approval for the HDD methodology at watercourse crossings.

2.11. With regards to built heritage, further scrutiny of embedded mitigation is required and possible layout refinements for Bradfield Manor. The following issues have been identified:

- Potential harm to Bradfield Manor (Grade I) and Rodbourne Conservation Area has been under-assessed
- Lack of photomontages and seasonal screening analysis
- No provision for mitigation monitoring and / or adaptive management.

2.12. Significant archaeological remains have been identified. The council cannot confirm the adequacy of archaeological protection as the mitigation strategy is incomplete:

- Full trial trenching and geophysical survey of the CRC is outstanding
- A Detailed Archaeological Mitigation Strategy (DAMS) has not yet been submitted, although this is required during the examination
- Strip, Map and Record excavations are required for key sites

- Site-Specific Written Schemes of Investigation (SSWSIs) should be produced for approval by the council
- A written programme of archaeological investigation for on-site and off-site work, including analysis, publishing and archiving of the results should be produced for approval by the council
- A public engagement plan is required during mitigation works.

2.13. From a highways and transport and network management perspective, the council's principal concerns are:

- dDCO Articles (10, 14 and 15) weaken the council's ability to enforce highway standards as agreements under Article 15 are discretionary
- Swept path analysis shows narrow minor roads cannot accommodate two-way HGV passage creating a risk of verge damage and safety issues
- There is no clear mitigation for passing places or carriageway widening outside limited Highway Improvement Areas
- Lack of clarity on temporary access design, reinstatement and abnormal load routing
- CTMP commitments insufficient; formal agreements needed for technical approval, bonds and inspection fees.

2.14. The scheme will increase pressure on PROWs and adversely alter users' recreational experience. Therefore, the council seeks:

- Provision of a £20,000 per annum index linked fund for PROW improvements
- Delivery of identified improvements within the order limits
- Funding for off-site enhancements through the Community Benefit Fund
- Early engagement with council officers to secure accessibility standards.

2.15. From a public protection perspective, further analysis of noise levels is required. Operational noise from moving panels, BESS and substations requires an enforceable commitment to silencer units and enclosures. Furthermore, construction HDD works risk SOAEL exceedance. The mitigation wording in the outline Construction Environmental Management Plan must be strengthened. Whilst the air quality and dust mitigation measures appear to be broadly acceptable, robust monitoring will be required. In relation to glint and glare, the Applicant's reliance on natural vegetation growth for screening lacks evidence and assumption on height should be validated. The ambiguity over the "optional" fire suppression system, as noted in the Battery Safety Management Plan, must be resolved.

2.16. Whilst the scheme's construction phase offers short-term GVA uplift and jobs, it will result in the loss of up to 20 FTE agricultural jobs and 50 FTE tourism jobs. There will be a reduction in tourism spending of at least £1.76m per year during construction. The long-term adverse impact on leisure and tourism

businesses is contrary to Wiltshire's economic strategy. A mitigation plan is required for local businesses as well as clarity on tenanted farm viability.

- 2.17. The scheme will result in approximately 878Ha of land removed from food production, including 30% best and most versatile land. This loss equates to approximately 5,000 tonnes of crops annually. While soil health may improve long-term, grazing under panels is uncertain. The council requires:
  - Evidence that a full and comprehensive assessment of availability of land, at lower level than BMV, has been conducted
  - Detailed soil remediation plan post-decommissioning
  - Pollution incident protocols and plan to be prepared and agreed by the council for the construction / decommissioning phases and for any contamination during lifetime of project
  - Clarity on grazing feasibility and responsibilities for protective measures.
- 2.18. Due to the scale of the proposed development, the scheme may have an adverse impact on the wellbeing and mental health of Wiltshire residents during all phases of the proposed development. Whilst the council is satisfied with the public health assessment methodology, the council recommends a comprehensive Community Liaison Strategy (not just Terms of Reference) is produced and secured through the DCO, which includes KPIs for engagement and wellbeing safeguards.
- 2.19. The council is seeking amendments to the dDCO and further information regarding the proposed Community Benefit Fund.
- 2.20. In conclusion, Wiltshire Council acknowledges the scheme's limited long-term contribution to both local and national energy aspirations. However, impacts on Wiltshire's emissions, landscape, ecology, economy and communities are significant. The council seeks further information, mitigation, and strengthened requirements before balanced planning judgement can be made. As submitted, the council does not support the proposal.

### **3. Introduction and Context**

- 3.1. This document is Wiltshire Council's Relevant Representation in response to the submission of the Development Consent Order application to the Secretary of State for Energy Security and Net Zero by Lime Down Solar Park Limited under section 37 to the Planning Act 2008 (Planning Inspectorate Reference: EN010168).
- 3.2. As a Unitary Authority, Wiltshire Council provides a single tier of local government functions. It is the Highways Authority for all roads and public rights of way, which are not trunk roads. It is also the responsible authority for the implementation of a broad range of Government Regulation related to public protection and is the Local Planning Authority for the area. The Council has regulatory responsibility for managing impacts on Wiltshire's natural

environment, heritage assets and landscape. As the Lead Local Flood Authority (LLFA), Wiltshire Council has a number of duties and powers to control and minimise flood risk. Furthermore, the Wiltshire Council Archaeology Service (WCAS) has a statutory duty to advise the Local Planning Authority on the impact of development proposals on archaeological remains in the county.

- 3.3. As the primary Host Authority for the scheme, the council has a number of concerns with regards the details of the Lime Down Solar Park proposal, and has used this submission to highlight the key areas of concern, where there are outstanding questions that require answers during this process, and where there is a requirement for additional mitigation and compensation to be forthcoming in order to address or seek to address the council's concerns. The council has also identified some additional or strengthened Requirements that are considered to be necessary.
- 3.4. However, it is important to note that the DCO represents the preliminary / outline design for the scheme and further detail will emerge during the examination process and once the detailed design is developed. Significant information was only made available to the council immediately prior to application submission or at application acceptance, therefore the council's detailed assessment of the scheme is still on-going.
- 3.5. The issues raised herein are intended as a summary to assist the Examining Authority in the identification of the principal issues for examination. This response is without prejudice to any further representations the council will make throughout the examination process including detail submitted to the Examining Authority within the council's Written Representation, Local Impact Report and through its Statement of Common Ground with the Applicant.

## **4. The Scheme and Application Site**

- 4.1. The development is known as Lime Down Solar Park and is described within the Applicant's submission to comprise a solar photovoltaic (PV) electricity generating station of over 50 megawatts (MW) and associated development comprising Battery Energy Storage System (BESS) Area, substations, grid connection infrastructure and other infrastructure integral to the construction, operation and maintenance, and decommissioning phases. The design life of the Scheme is 60 years with decommissioning expected to take place 60 years after final commissioning (the design life is stated to be 2029-2089).
- 4.2. The application site is stated as extending to some 1,237 Ha and is largely situated within the administrative area of Wiltshire north of the M4 corridor, albeit with the grid connection route extending south to the substation at Melksham town. A small area of the application site is within areas of highway administered by South Gloucestershire Council. The site comprises predominantly agricultural fields and rural villages, including Sherston, Luckington, Corston, Hullavington, Rodbourne, as well as the town of Malmesbury. The cable route corridor is described as running for approximately 22km from the body of the solar panel development to the

existing sub-station at Melksham. The application states that the area of the solar PV extends to some 749.3Ha, with the cable route corridor described as extending to some 463.2Ha.

- 4.3. The land identified as accommodating the solar PV primarily comprise agricultural fields with gently undulating topography, delineated by hedgerows, hedgerow trees, scattered woodland and woodland blocks. The Fosse Way, a Roman road built between Exeter and Lincoln (now part road and part PRoW), runs through the solar PV site. Watercourses within the solar PV site include Gauze Brook and Gabriel Well River running through the eastern extent of the site, as well as various unnamed drains. The landscape is described as fields, woodland and nearby rural villages, including Sherston, Luckington, Corston, Hullavington, Rodbourne and the town of Malmesbury. There are also several individual farm holdings, rural dwellings and small commercial business properties in the vicinity of the Solar PV. The Great Western Railway South Wales Main Line runs east to west through the body of the Solar PV site. The River Avon is located approximately 240 m north.
- 4.4. The cable route corridor element of the application site is described as having a variable width from 50m, up to 665 m in some locations to provide space for what is described as “trenchless construction techniques” and temporary construction compounds, or to provide a wider area to allow space to avoid features such as trees, hedgerows and field boundaries.
- 4.5. The land within the Cable Route Corridor predominantly comprises agricultural fields, bordering hedgerows and short sections of road and railway line where crossings are required (including a crossing of the M4 motorway). The Cable Route Corridor is intersected by various tributaries associated with the River Avon.
- 4.6. The landscape surrounding the Cable Route Corridor comprises further agricultural fields, hedgerows, woodland and villages such as Grittleton (bordering to the west), Yatton Keynell (approximately 220 m to the west) and the towns of Chippenham, Corsham and Melksham towards the southern section of the cable route corridor.
- 4.7. The application site is not within any landscape designation, but the Order Limits extend up to the boundary of the Cotswolds National Landscape (CNL) and Lime Down Sites A, B and C are considered to fall within the setting of the CNL. However, minor highway improvement works would be undertaken within the CNL. Similarly, whilst the application site is not within any ecological designation, there are four statutory internationally designated ecological sites located within 30 km. These include the Bath and Bradford on Avon Bats Special Area of Conservation (SAC), Severn Estuary Special Protection Area (SPA) and Ramsar, and Salisbury Plain SPA. There are four statutory nationally designated ecological sites located outside of, but within 5 km of the application site. These are Harries Ground, Rodbourne Site of Special Scientific Interest (SSSI); Corston Quarry and Pond Local Nature Reserve (LNR); Sutton Lane Meadows SSSI; and Conygre Mead LNR. There are 37 non-statutory locally designated sites located outside of, but within 2 km of, the application

site. These comprise 36 Local Wildlife Sites (LWS) and one Protected Road Verge. There are no World Heritage Sites, Registered Battlefields, or Protected Wrecks within 2 km of the solar PV and 250 m of the cable route corridor. No designated heritage assets are located within the solar PV site, however, various Listed Buildings, Scheduled Monuments, Conservation Areas are located within 2 km of the Solar PV Sites.

## 5. National and Local Policy Context for Low Carbon Energy Developments

- 5.1. The applicant sets out the legislative and planning policy context for the project in Section 6 of 7.2 to their Planning Statement [APP-267].
- 5.2. Paragraph 165 of the National Planning Policy Framework (NPPF) requires local plans to help increase the use and supply of renewable and low-carbon energy whilst ensuring that adverse impacts are addressed appropriately. The scheme is also aligned with the NPPF's requirement for the planning system to support the transition to a low carbon future, with recent revisions advising at NPPF paragraph 168(a):

*When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.*

- 5.3. National Policy Statements for Energy EN-1, EN-3 and EN-5, offer significant support for NSIP renewable energy development. Furthermore, both the last and the current government have issued Written Ministerial Statements (WMS) confirming the importance of renewable energy development.
- 5.4. In line with national legislation and guidance, Wiltshire Council has made a firm commitment to becoming a carbon neutral council by 2030. The Wiltshire Climate Strategy reiterates this commitment and expresses objectives that include renewable energy generation as part of the efficient and environmentally sensitive use of land, providing for the needs of an increasing population and nature.
- 5.5. Policies CP1 and CP2 of the Wiltshire Core Strategy relate to the spatial strategy for Wiltshire, setting the policy foundations for the promotion of sustainable development within the county. The scheme is for a standalone renewable energy installation and will not directly impact existing housing or employment sites. The scheme will result in some employment provision in the form of construction jobs but does not relate explicitly to employment development.

5.6. Policy CP42 of the Wiltshire Core Strategy expresses that proposals for standalone renewable energy schemes will be supported where it has been demonstrated that impacts (both individual and cumulative) specific to following factors (relevant to this scheme) have been satisfactorily considered:

- (i) The landscape, particularly in and around Areas of Outstanding National Beauty (AONBs)
- (iv) Biodiversity
- (v) The historic environment [...]
- (vi) Use of the local transport network
- (vii) Residential amenity, including noise, odour, visual amenity and safety
- (viii) Best and most versatile agricultural land

5.7. The cable connection search corridor passes through the Chippenham Neighbourhood Plan area. Policy SCC3 of the Chippenham Neighbourhood Plan reiterates the aims of CP42 expressing that proposals for standalone renewable energy development will be supported where all the following factors have been robustly demonstrated:

- a) the costs and benefits compare favourably with potentially less intrusive options, such as large scale building mounted renewable energy
- b) a comprehensive landscape impact assessment has been undertaken which has informed the proposals for the location of new infrastructure and all mitigation measures identified in that are implemented
- c) the wider benefits of providing energy from renewable sources, including contributions to national carbon reduction objectives and targets, outweigh any adverse impacts on the local environment or amenity, including any cumulative adverse impacts from existing or planned renewable energy developments; and
- d) additional social, economic or environmental benefits which benefit the local community over the lifetime of the project are provided.

5.8. Policy SCC3 further expresses that any proposal for a community energy project, where there is full or partial community ownership involvement, will be strongly supported.

5.9. Wiltshire Council's Climate Strategy and delivery plans are supportive of renewable energy generation, subject to assessment of impacts. In particular, the council is supportive of community energy, and there are community energy organisations operating within Wiltshire which would be able to support a shared ownership model of delivery, enabling the community to benefit financially from the Scheme.

5.10. In summary, the principle of proposals for renewable energy development receives broad support from local planning policies CP42 to the Wiltshire Core Strategy and policy SCC3 to the Chippenham Neighbourhood Plan, as well as

supporting Wiltshire's Green and Blue Infrastructure and Climate strategies, provided that they are suitably located and sufficiently mitigate any adverse development specific and cumulative environmental effects. As set out in this response, further information is required from the Applicant before the council can make an objective balanced planning judgement on the merits of the proposed scheme and therefore adequately assess its compliance with the aforementioned key policies.

## **6. Strategic Planning Considerations**

### **Policy Considerations**

- 6.1. The Applicant intends for the Planning Statement to be read in conjunction with 7.1 Statement of Need [APP-266], which explains how the project responds to the relevant aspects of national policy. This includes evidence to support the suitability of the proposed location of the project, including whether the proposed connection point is suitable.
- 6.2. Section 8 of 7.2 Planning Statement [APP-267] sets out the Applicant's appraisal of the project's compliance with the main relevant policy and legislative requirements. 'Annex A: National Policy Accordance Tables' and 'Annex B: Local Policy Accordance Tables' appended to the Planning Statement provide a more detailed assessment of how the project accords with relevant policies.

### **Environmental Assessment Considerations**

- 6.3. The Environmental Statement does not assess whether the project accords with planning policy, this is presented in 7.2 Planning Statement [APP-267].
- 6.4. However, in line with NPS requirements the Applicant has set out in 6.3 Environmental Statement Volume 3, Appendix 4-1 Site Selection Assessment Report [APP-185] information about the approach taken by the Applicant to identify the proposed location for the project and evaluate whether this is a suitable location for a large-scale solar development.
- 6.5. The report notes that there is no prescribed methodology in national planning policy or guidance for site selection in relation to solar development. The Applicant has therefore followed a six-stage approach to identify and evaluate the proposed location.
- 6.6. Wiltshire Council will address relevant local planning policies in its Local Impact Report (LIR).

## 7. Climate Change Considerations

### Environmental Assessment Considerations

- 7.1. Wiltshire Council's climate team does not have any detailed comments to make further to its representation at the statutory consultation stage. It is noted that the Applicant has acknowledged the comments and responded with more detail. However, the council's climate team does have some observations from a strategic level, as follows.
- 7.2. Officers' note the figures provided in ES Vol 1, 6.1 Chapter 7 Climate Change [APP-059] for energy generation and greenhouse gas emissions over the lifetime of the scheme (60 years). It is noted that net carbon emissions savings are estimated up to 253,839 tCO<sub>2</sub>e, whilst overall lifetime emissions of the project are estimated to be 933,140 tCO<sub>2</sub>e, and that the largest proportion of emissions are associated with the construction phase, with additional emissions during operational (maintenance) and decommissioning phases.
- 7.3. Total lifetime energy generation is estimated to be between 23.54 and 24.26 TW, although it is queried whether this should be TWh, over the 60-year scheme lifespan, which has been estimated to result in the scheme having a net positive impact on emissions reduction, in the region of 218,611 tCO<sub>2</sub>e or 253,839 tCO<sub>2</sub>e depending on the technology used.
- 7.4. The lifetime savings of the scheme are therefore significant; however, timing is critical. The fact is that the GHG emissions in the construction phase are substantial, and these will be emitted at a time when the UK is aiming to reduce emissions year on year, towards being net zero by 2050. The proposal does not currently make it clear that carbon emissions are going to increase as a result of the project in the short and medium term, in order to achieve longer term gain in emissions reduction, and a decision must transparently consider these impacts.
- 7.5. The submitted document highlights that the manufacture of the components is the major contributor to the scheme's GHG emissions and total construction emissions are estimated at 237,149 tCO<sub>2</sub>e, which take place during the first two years (2027 and 2028). To provide a sense of scale and significance, this would equate to 118,575 tCO<sub>2</sub>e per year on average, approximately 4% of Wiltshire's annual territorial emissions in 2023 (2025 DESNZ data), which is equivalent to the current emissions from the waste sector in Wiltshire. In terms of local impact, this project will therefore significantly impact on the county of Wiltshire's ability to reduce short- and medium-term emissions and to be carbon neutral by 2030 or even by 2050. Furthermore, given the scheme's timescales, it is unlikely to contribute to the council's ambition for the county of Wiltshire to be carbon neutral by 2030, given that it will have been operational for a maximum of 1-year period by then.
- 7.6. So whilst the overall emissions across the 60 year project lifetime provide a net benefit, consideration must be given to the fact that the scheme's total GHG emissions, are significant (at 933,140 tCO<sub>2</sub>e) and by the council's calculations,

this means that the scheme does not start to break even in terms of whole life carbon emissions until at least 2076, 47 years into the scheme, if at all.

- 7.7. The scheme is expected to start to generate clean energy from 2029, and there are additionally the benefits of the BESS that should help to balance the electricity supply and demand. However, the positive impacts over the long term should be considered transparently in the context of the GHG emissions in any given year and their effect on the UK carbon budgets and the necessary emissions reduction to 2050.
- 7.8. It is acknowledged that the methodology follows guidance that the appropriate approach is to consider the scheme's emissions in the context of UK carbon budgets as they are considered to be inherently cumulative (para 7.13.4).
- 7.9. This results in a conclusion that the impacts are low, however it is difficult to be sure from the assessment firstly whether the emissions during the construction and early years of the scheme (during the 4<sup>th</sup> and 5<sup>th</sup> carbon budgets 'CB4' and 'CB5') could be further reduced, and secondly whether this specific scheme and its impacts (estimated to be just under 0.5% of CB4 and CB5) is a good use of those carbon budgets. Officers observe that in the absence of a national Strategic Spatial Energy Plan it is not clear how this outcome would be assessed.
- 7.10. It is acknowledged that in the government's Clean Power Plan 2030 and the Carbon Budget and Growth Delivery Plan a rapid deployment of ground mounted solar is necessary and should be supported by the planning system. However, it is also noted that the national policies are estimated to result in negative carbon savings during CB4, with positive savings from CB5 onwards (Carbon Budget and Growth Delivery Plan, Technical Summary, Appendix B, Table 4. Item 118 and 122).
- 7.11. Against this context that the current national policy to rapidly increase the deployment of solar will contribute to an increase in emissions, exceeding CB4, the ExA is asked to consider whether this particular scheme is a nationally strategic priority, and an appropriate scale and location, when considered alongside other proposed and planned development for power generation, homes, industry etc. within the CB4 carbon budget timeframe.
- 7.12. It is acknowledged that in relation to average carbon dioxide emission per kilowatt hour (carbon intensity) is lower than the average gCO<sub>2</sub>e/kWh from the grid and therefore the scheme will contribute to reducing the average emissions from the grid. However, the carbon intensity figures do not take into account the upstream and downstream emissions associated with the Scheme (i.e. the construction, maintenance and decommissioning phases) – as mentioned the lifetime emissions are significant. Again, the council considers that acknowledgement of these factors should be considered within decision-making and the ExA is asked to carefully consider these factors.
- 7.13. Notwithstanding this, Table 7-11 of ES Vol 1, 6.1 Chapter 7 Climate Change [APP-059] shows that solar schemes have a relatively low carbon intensity

compared to other technologies e.g. coal, natural gas and nuclear, albeit higher than wind and hydropower. It is considered that this is likely to be the case even with upstream and downstream emissions included.

- 7.14. In conclusion, from a climate perspective the proposal demonstrates that there will be significant and beneficial net GHG emissions savings over the lifetime of the project. Whilst it is acknowledged that on a national strategic level, the overall negative impacts of the energy development considered necessary to achieve net zero are considered to be outweighed by the positive benefits, Wiltshire Council's view is that it would be important to be able to justify that the long-term benefits of this specific project, at this scale and location, outweigh the short-term impacts both on Wiltshire's territorial carbon emissions and the UK Carbon Budgets (and the associated locked in global warming) as well as the wider environmental, economic and community impacts of the project.

### **Draft DCO and Control Document Considerations**

- 7.15. Based on the above observations, it is imperative that the scheme, if permitted, does everything it can to minimise GHG emissions during the lifetime of the project, and in particular the construction phase.
- 7.16. It would be helpful to include a Requirement to ensure the GHG emissions mitigation measures listed are implemented and enforced, as a minimum.
- 7.17. The mitigation listed for GHG emissions at construction, operation and decommissioning phases must include measures to reduce emissions as much as the current technology allows, and project planning must be flexible enough to allow for future innovations.
- 7.18. Specifically in relation to vehicles, to ensure that as well as staff travel, low carbon vehicles, equipment and tools are used in construction, maintenance and decommissioning and further carbon emissions reduction measures are included in detail in a Sustainable Construction Plan. Part of this should set out a sustainable procurement policy with requirements for all contractors in relation to carbon reduction, environmental, community and ethical considerations, to ensure the contractors minimise their impact and take opportunities to innovate through contract lifetime, in construction, maintenance and decommissioning phases.
- 7.19. In addition, circular economy solutions are also evolving, and a Requirement could be used to ensure that these are built into the construction, maintenance and decommissioning plan during the lifetime of the scheme.

## 8. Landscape and Visual Considerations

### Policy Considerations

- 8.1. The 6.1 Environmental Statement Volume 1, Chapter 8 Landscape and Visual [APP-060] at Section 8.3 provides a resumé of the relevant landscape legislation and policy pertinent to the project, apart from Policy 86 Renewable Energy of the Wiltshire Local Plan Review 2020-2038, which is not included.
- 8.2. Policy 86 is a comprehensive policy which will ensure that there is a satisfactory resolution to all site-specific constraints and requires that the following relevant to landscape and visual matters are considered (along with other relevant policies in the Local Plan):
  - a. *the need to balance the wider environment, social and economic benefits of renewable electricity, heat and / or fuel production / distribution / storage;*
  - b. *the landscape, particularly in and around Area of Outstanding Natural Beauty and the setting of the New Forest National Park;*
  - d. *the need to conserve and where possible enhance biodiversity including species and habitats;*
  - f. *the cumulative environmental effects of proposals with other renewable energy installations;*
  - g. *best and most versatile agricultural land;*
  - h. *for ground mounted solar development, that grazing practices are maintained, particularly within defined SAC bat sustenance zones;*
  - i. *the proper functioning of the local highway network, recognising the value and function of the designated rights of way network;*
  - k. *the amenity of local residents, including noise, odour, visual amenity and safety.*
- 8.3. As yet, it is difficult to ascertain from the ES submission that the above criteria have been given due consideration. In particular, the LPA would draw attention to criteria a., b., and k., where the balance between the potential effects on the wider receiving environment (landscape) and the benefits of the scheme; the setting of the Cotswolds National Landscape and; the amenity of local residents, whilst being acknowledged, do not appear to have been given due regard in the selection of the proposed development sites and the scale of the project as a whole.
- 8.4. Compliance with Wiltshire Core Strategy Policy CP51 'Landscape' is not possible as the project cannot fulfil the requirement to: '*protect, conserve and where possible enhance landscape character and that new development must not have a harmful impact upon landscape character*'. The Project will have a harmful impact on landscape character due to its contrasting nature with the existing baseline situation and scale of land use change proposed. However, the scale of this harm over 749.30ha plus the CRC corridor, is clearly a major

issue over a protracted, intergenerational project lasting for 60 years. Landscape mitigation and enhancement proposals are provided, but whether these are actually suitable to be sympathetic to the baseline character of the receiving landscape is debatable. This is because the existing low hedgerows currently allow longer views over and appreciation of the wider landscape, which would be impacted by the visual mitigation strategy, which proposes to allow most hedgerows to grow taller to deliver the required screening. While planting lines of trees offset from hedgerows, i.e. along the Fosse Way north-west of Fosse Lodge, or planting double width hedgerows to improve screening are not identified to be characteristic of landscape baseline features.

8.5. Policy 91 'Conserving and enhancing Wiltshire's landscapes', is a key policy covering rural development in the Wiltshire Local Plan Review, with a current adoption date of the second quarter of 2026, which is likely to be within the decision-making period for this proposal. Of particular relevance to this project are the following sections:

*"Development will conserve and where possible enhance Wiltshire's landscapes by:*

- 1) being located and designed to respect landscape character and maintain an area's distinctive sense of place and reinforce local distinctiveness as set out in the Wiltshire Landscape Character Assessment and landscape strategy;*
- 2) conserving, enhancing, and restoring the characteristics and views of landscapes along with valued attributes and existing site features such as trees, hedgerows, dry stone walls and waterbodies that contribute to the character and quality of the area;*
- 3) conserving and enhancing the locally distinctive character of settlements and their landscape settings;*

*Wiltshire's designated landscapes*

*Great weight will be given to conserving and enhancing the landscape and scenic beauty of Wiltshire's designated landscapes, Areas of Outstanding Natural Beauty and the New Forest National Park. Development within, and influencing the setting of, these designated areas should be limited in scale and extent and are expected to contribute towards conserving and enhancing their natural beauty. Proposals for development within or affecting designated landscapes must demonstrate that they have taken account of the objectives, policies and actions set out in the relevant management plans for these areas. Proposals for development outside of an Area."*

8.6. Policy 91 is relevant to all potential solar developments within the county, but in this case takes on particular relevance due to the very large scale of the proposed development within the setting of the Cotswolds National Landscape

and within a landscape which in part is considered to be of High Value due to proximity to and shared intervisibility with the CNL and its complementary landscape character (Lime Down Sites A, B and C). There is little evidence within ES Chapter 8 [APP-060] that the value and sensitivity of the landscape, coupled with the effects of the dramatic change in land-use, function and perception of the landscape, have been given due attention in the application. For example, the settlement of Norton is proposed to have extensive solar development on two sides (north and south), but there appears to be very little attempt to reduce the potential effects on its landscape setting by restricting solar panels close to the settlement, therefore failing to comply with 3) above.

- 8.7. Overall, the effects of the proposals on the character and visual amenity of the receiving landscape have been consistently under-estimated.

## **Environmental Assessment Considerations**

### General Comments on Accuracy of Information Included

- 8.8. An initial comment is that for the LVIA document to provide any confidence to local residents and those with a local interest in the project that it has been carefully prepared, is that place names, road and property names are spelt correctly. For example, the three different spellings of Malmesbury noted in ES Chapter 8 [APP-060] does not instil confidence that the consultants / applicant have taken care or developed a detailed knowledge of the area, or that the document has been checked with sufficient time or care before its DCO submission.
- 8.9. A further observation is that the LVIA and its supporting appendices cross reference various application documents. Some cross-references are incorrect, which both frustrates and complicates review of the submitted information. An example of this is contained within ES Vol 3, Appendix 8-3-2-2-1 - Landscape and Visual Assessment Sheets [APP-191], where two references are included at Page 19, paragraph 4 and both appear to be wrong i.e.

*“Construction activities within the Scheme would be managed by the Outline Construction and Environmental Management Plan (CEMP) in ES Volume 1: Chapter 7.12 [EN010168/APP7.12] and the Arboricultural Impact Assessment and Outline Method Statement in Volume 3: Appendix 10-4 [EN010168/APP/6.3] to ensure the protection of all existing landscape features to be retained during the Construction Phase.”*

ES, Vol 1, Chapter 7.12 relates to the Climate Change ES topic subject matter, not the outline CEMP, which is ES, other documents [APP-277], while Appendix 10-4 [APP-209] relates to Relevant legislation, policy and guidance. It is Appendix 10-1 [APP-206] which is the reference that should be signposted.

## LVIA Assessment Methodology

- 8.10. The LVIA assessment methodology is included as a separate appendix to the main report ES Vol 3, 6.3, Appendix 8-1: Landscape and Visual Impact Assessment Methodology [APP-187]. The methodology is generally considered standard and compliant with best practice (GLVIA 3) for undertaking the LVIA process, however the resulting outputs are muddled, inaccurate, in places incomplete, and lack transparency.
- 8.11. The terminology used within the assessment is outlined at Section 1.2 of the LVIA methodology [APP-187]. At paragraph 1.2.1 a description of the definitions, scope and context of the terminology used in the LVIA process includes a reference to the LVIA Glossary used in the assessment. The LVIA Glossary is included at Page 46 to 49 of this appendix 8-1. The definition of 'Landscape Fabric' at Page 48, 3<sup>rd</sup> row of this glossary is a concern. While the term 'Landscape fabric' is not formally defined in the GLVIA3 (2013) or its 2024 Technical Guidance Note (LITGN/2024/01) it is being increasingly used in practice by landscape professionals to describe the tangible elements and components of the landscape that comprise the landscape baseline and that may be impacted by a development proposal. This is not in itself highlighted to be a concern, although the definition of 'Landscape Fabric' should be clearly denoted with an \* within this glossary (indicating it is in fact a departure from published GLVIA3 terminology).
- 8.12. The issue of concern relates to the limited examples included in the definition of 'Landscape Fabric' within this assessment's 'LVIA Glossary' which does not include any representative 'built elements' or 'perceptual or aesthetic' qualities. It only includes the more natural elements such as landform, woodland, hedges, tree cover and vegetation.
- 8.13. The definition of the term Landscape fabric needs to encompass all the physical and spatial components that combine and interact with each other. These include natural, cultural and historic features, land-use and current management practices, built elements such as infrastructure and roads, settlement pattern, including perceptual and aesthetic aspects such as relative tranquillity and sense of openness / enclosure and ruralness, all of which collectively define the baseline landscape fabric and combine and interact to form the characteristics of the site and the receiving landscape context. At present, the limited nature of landscape fabric components that the Applicant has considered within their assessment (both existing and introduced), is contributing to assessment scores which are not considered to give a true reflection of change to the baseline landscape fabric components, which in turn, collectively comprise to give overall baseline landscape character.
- 8.14. The various introduced new built elements / components such as substations, internal access tracks, solar PV arrays, alongside changes to current land use and management, alterations to the rural road network, new planting and changes to vegetation management are all components that together influence the baseline landscape fabric, including its perceptual and aesthetic qualities.

8.15. The council believes this contributes to the obvious short comings of the assessment of 'Landscape Fabric' included within the LVIA (this is discussed further under Landscape Fabric).

### ZTV and Zol

8.16. The ZTV is an important component in the process that initially informs the extent of the Zone of Influence and thus the Study Area. This is typically checked on site and refined or confirmed following subsequent visits to the site and surrounding area. This was initially undertaken as a bare-earth assessment, which is of limited value as the whole essence of the Landscape and Visual study is to gain a detailed knowledge of the landcover, landform, built form and their interactions. Therefore, the Augmented ZTV is a far more useful tool than the original bare earth assessment.

8.17. It is not clear what the height of the structures used to establish the ZTV is and from where the surface model has taken the points of visibility for each of the site's A-E. This includes: type and height of solar panels, substations, BESS, and other ancillary structures. It is not clear whether the substations have been assessed separately or ignored, being potentially the tallest structures on the sites. The ZTVs of the tallest structures should be assessed separately.

8.18. It is also not clear whether the calculated ZTVs for each of the component sites A-E have been over-laid to produce an accurate ZTV for the whole project in order to be enabled to determine the locations of the primary intra-project Combined Cumulative Visual Effects (and, in combination with Landscape Character Type (LCT) and Landscape Character Area (LCA) information, the Cumulative Landscape Effects).

8.19. It is therefore considered that the efficacy of the ZTV does not provide the required quality for the major and complex project to which it is being applied.

### Cumulative Impacts

8.20. This response refers to the likely cumulative landscape and visual impacts of the project and forms a key part of the EIA process. For a project of the scale and disparate nature proposed, it is necessary to undertake an intra-project Cumulative Impact Assessment of the potential landscape and visual interactions between the sites A-E and their potential effects on the receiving landscape and visual amenity.

8.21. An assessment of the cumulative landscape effects of Sites A-E is required. This will involve a comprehensive assessment of the effects of the proposals on landscape fabric, including land use and embedded mitigation. These cannot merely be assessed by combining the results from each individual site. They must be assessed together.

8.22. An assessment of cumulative visual effects of Sites A-E must be undertaken in two parts. Firstly, a combined or in combination assessment is required, which will be undertaken to cover a) where more than one site is visible in a viewing

arc; b) where the receptor turns and is able to see another, or several other sites, in 360 degrees but without moving for the viewpoint location. Combined intra-project viewpoints can be simply ascertained by utilising a detailed ZTV methodology, suitable for the project scale, as detailed above in ZTV and Zol.

8.23. Secondly, a sequential assessment must be undertaken. Sequential visual effects occur when an observer moves along what would be considered to be a well-travelled route. In this case the Fosse Way, which is a very popular recreational route is considered to be a key route where sequential effects should be assessed, but there are also PRoW and minor road links, particularly routes between settlements and circular routes close to settlements which will require assessment. A selection of potential Sequential Visual Effect routes is given at Table 8-23 of ES Chapter 8 [APP-060]. However, these have not been adequately assessed for potential effects and a full description of the effects as the receptor passes through the landscape is required. The ES focusses, erroneously, on Major Roads for determining sequential effects from roads. At ES para 8.10.46 it is stated that GLVIA3 refers to major roads. It does, but only as an example. It also states in GLVIA3 Table 7.1 that: "*Sequential effects may be assessed for travel along regularly used routes....*". Given the receiving landscape contains very few roads which would be classified as more than minor, it is obvious that these routes are those which are going to be used for travel within the area and therefore the sequential effects of travelling along them must be assessed.

8.24. It is noted that due to the disaggregated / disparate nature of the Lime Down Sites A to E, the Applicant has structured their assessment to include a combined or intra-project assessment of individual DCO sites combined. The council considers that it is not appropriate to simply conclude that because no individual site on its own generates significant effects above a certain threshold, then the combined resulting impact for these sites assessed together could therefore not be greater than for the assessment of the individual site areas. Intra-project cumulative effects should be treated separately from the site-specific Landscape and Visual Impacts.

8.25. Cumulative effects with other similar (Solar / BESS) projects at up to 10km from the site, including the CRC, should be assessed as described above. However, in terms of cumulative landscape effects, the combined or in combination effects are unlikely to be determined through ZTVs. Therefore, it shouldn't be assumed that there will be no effects with projects outside the project ZTV. Other potential combined effects can be determined by further desk top study, site visits and photography.

8.26. Sequential visual effects need to be treated as described above. It is of concern to the LPA that the effects on users of the Fosse Way have not been fully addressed. The sequential assessment should include the Newton Dairy, Long Newton Airfield and Upper Marsh Farm installations, north of Malmesbury before proceeding to Lime Down Sites B and C. Further potential sequential effects should be assessed along the A429 / A350 route from west of Charlton Park (north of Malmesbury); passing Rodbourne Rail solar farm; south to Lime Down Sites D & E; then land at Red Barn NE of Kington St Michael. It does not

appear that these sequential assessments have been undertaken as part of the ES.

### Landscape Fabric

- 8.27. Landscape Fabric was given limited consideration within the PEIR document at statutory consultation stage. ES Volume 3 Appendix 8-3-2-2-1 [APP-191], Section 2.1 deals with Landscape Fabric, but unfortunately the key features, components and their interactions, which are essential to include as part of a proper analysis of the receiving landscape, have only been given limited consideration. This does not give confidence that the individual sites have been assessed properly.
- 8.28. Taking Site C as an example: it covers 241ha and has four short sentences devoted to its key features. This is a very large development, with many differing features, components and interactions. This should be fully detailed as part of the assessment process. Interestingly, apart from stating that the site is in agricultural use, land-use does not feature in the assessment. When it comes to the Susceptibility to the proposed changes, the assessment has concluded that Landscape Fabric has a Low Susceptibility to change. This seems to be predicated on the fact that if land use change from agriculture to solar (industrial) is ignored, all the peripheral features can remain intact and thus there is "*a high ability to accommodate the specific proposed change, with little, or no, undue consequences for the maintenance of the baseline situation*". This is entirely incorrect and is not accepted by the LPA as an acceptable way in which to assess Susceptibility of Change in the LVIA. Land use cannot be scoped out if it gives the wrong result in the assessment.
- 8.29. Paragraph 8.3.52 of ES Chapter 8 [APP-060] quotes the Wiltshire Council Renewable Energy Study Landscape Sensitivity Assessment 2023 as stating: "*Landscape sensitivity to these very large schemes would be categorised as "high" sensitivity regardless of location, requiring developers to pay particular attention to this issue in their specific applications*". Therefore, as the site has an accepted 'High' Receptor Value and a 'High' Sensitivity, its Susceptibility to the change proposed can only be 'High'. The matrix does not allow for downgrading this by ignoring key components of the Landscape Fabric.
- 8.30. Therefore, in respect of Site C, as an example, the assessment of effect on Landscape Fabric has been downplayed to an extent where the suitability of the Landscape Assessment must be called into question. At no point does the assessment acknowledge adverse effects and indeed suggests that after 15 years the effects will be beneficial. This is incorrect and is based on a flawed assessment (see Embedded Mitigation below). The Magnitude of Change and the Significance of Effect have been grossly underestimated. The proposals for Site C are looking at a land use change of a tranquil, rural landscape of 241ha (inclusive of mitigation and landscape / ecological enhancement areas) to an extent which dwarfs the scale of the receiving landscape and any other development in the area.

8.31. Consequently, the LPA considers that the Landscape Assessment cannot be relied on to give an accurate and impartial assessment of impact.

### Embedded Mitigation

8.32. Embedded Mitigation is the primary mitigation which forms part of the design process of the project and is considered best practice on large, sensitive and EIA projects. The aim is to integrate environmental considerations into the project design to seek to mitigate negative and harmful effects, as well as to provide enhancements. In this project, this has resulted in the removal of panels from some fields and layout changes. Buffer strips in the form of hedgerows and woodlands have been introduced throughout, which are welcomed. Other buffers have been applied around ecological, residential and boundaries.

8.33. Landscape Design Parameters form a key part of the of the Embedded Mitigation. These parameters are based on the baseline landscape and visual considerations including the relevant landscape character assessments and, crucially, the existing landscape fabric and their interactions. Therefore, before taking the mitigation proposals forward, it is essential that there is a detailed description for each of the individual sites and their component fields. As discussed above, the landscape fabric has not been adequately covered in ES Chapter 8 [APP-060]. The LVIA findings in this regard should not be regarded as an acceptable basis to inform the decision maker.

8.34. The DCO process approval would effectively give the green light for the development, although much of the detailed design work and exact locations of the components of the development are still to be finalised. This means that, although the Embedded Mitigation proposals are a key part of the project, they may have to be changed as the design progresses. Additionally, because the baseline landscape fabric has not been adequately considered, there is a very real danger that landscape planting and 'enhancement' measures could end up adversely changing the baseline condition.

8.35. All embedded landscape mitigation and enhancement measures should have their basis in the current baseline condition of the receiving landscape. Planting for mitigation, which does not relate to the existing landscape structure, could result in detrimental effects on the receiving landscape at decommissioning.

8.36. References to embedded mitigation measures as currently presented to achieve the stated assessed residual effects are not clear. It should be clear within the assessments what is being relied upon as mitigation, and what is a genuine landscape or visual enhancement over and above that essentially required and proposed to mitigate or compensate for adverse landscape or visual effects.

8.37. There is also concern that some essential mitigation measures necessary to mitigate ecological harm are also being presented and possibly double counted as landscape enhancement, but without also acknowledging the harm it seeks to mitigate or compensate for, potentially skewing assessment scores. This is

viewed to be relevant to consideration of positive environmental enhancement within the overall consideration of planning balance.

### Visual Considerations

- 8.38. The photo viewpoints to be assessed were agreed with the LPA and CNL. Despite its very large size in a generally small-scale and intimate landscape, much of the proposed development is relatively well-contained visually from the wider landscape.
- 8.39. The photography undertaken is good. However, the interpretation of the results and the presentation of relevant information is poor and is difficult to interpret. The following issues are highlighted, and which need to be addressed:
  - The viewpoint locations do not follow a logical sequence and should have been grouped for each of the component Sites A-E and then extended to cover the intra-project cumulative viewpoints.
  - Viewpoint 57 is not mentioned in ES Chapter 8 [APP-060].
  - The notation on the viewpoint photographs is very sparse and includes nothing more than a rough indication of potential visibility of the site. For the orientation of the reader and to enable a proper assessment of visual effects to be undertaken, the following information is required and would normally be provided: PRoW and road locations and any the relevant information and key features (e.g. Landscape features, prominent built form, woodland, etc.).
  - The viewpoints must be fully cross-referenced with ES Volume 3 Appendices 8-3-2-2 [APP-191] and 8.3.3 [APP-192] and the tables 8.20 and 8.22 in Chapter 8 of the ES text [APP-060]. The viewpoint locations and photography should assist the reviewer's and decision maker's understanding of the visual context and help transparently illustrate the visual assessment undertaken and the conclusions it reaches. There is concern that a number of apparent viewpoints where there are significant adverse impacts have not been referenced in 8.3.3 [APP-192]. If these public receptors have not been assessed in the proper manner, with a photographic record, this work should be undertaken and included in the ES document at this stage.

### Assessments

- 8.40. The assessments of landscape and visual effects have been assessed during the construction, operation, maintenance and decommissioning of the scheme. They have been applied to Sites A-E and to the CRC route.
- 8.41. The construction phase is anticipated to last about two years, during which time there will be a requirement for the importation of very large amounts of material onto the sites (including aggregates for new track construction), often along roads which are single track. Whilst traffic may be considered a secondary

effect, HGV construction movements, road signage and traffic safety control measures alongside enabling 'highway improvement areas' for access will have potentially high landscape and visual effects, albeit over a period of 24 months and to a lesser extent during the staged replacement of over a million solar panels, and 100's of battery units 2 or even 3 times during the operational lifespan of the project (as the panels and batteries reach the end of their anticipated design life).

- 8.42. Within the sites there will be a requirement for works compounds including: material storage and work areas, fuel storage, staff facilities, parking areas and possibly living accommodation. These sites will be extensive and have only been identified as Indicative Temporary Construction Compounds yet and have not been assessed.
- 8.43. Therefore, until full access and construction details are supplied, it is considered that, at best, the construction landscape and visual effects providing little more than an indication of the likely effects and cannot be relied upon to provide an assessment of the worst-case scenario.
- 8.44. The construction phase is deemed to have a Moderate / Minor Neutral effect on Landscape Fabric [APP-060] ES Vol 1, Chapter 8, Table 8-17 Significant Landscape Effects. It is considered that this is likely to be a gross underestimate as it clearly has not included the changes mentioned above or the land use change. Thus, the consideration that Operation Year 1 will also be Moderate / Minor Neutral, appears to also be predicated on the erroneous assumption in the ES that 749,3ha of solar panels plus infrastructure plus mitigation / enhancement is not a change to the landscape fabric which needs to be assessed.
- 8.45. By Operation Year 15, the ES assessed effect on Landscape Fabric is Moderate Beneficial (Significant). This is clearly a gross underestimation of the landscape effects of the project on the receiving landscape and the landscape fabric receptors. The proposed mitigation will only have a limited effect on landscape fabric receptors such that the key impacts of the proposed development on landscape fabric will remain undiminished for the operational life of development.
- 8.46. The effects of decommissioning are anticipated to be similar to those of the construction phase, although the mitigating planting will probably remain in place. The actual removal of the components of the scheme will likely involve landscape effects which will be adverse and will certainly not be 'Moderate, Beneficial (Significant)' as assessed in the ES. Post decommissioning, so long as the built infrastructure is totally removed leaving the legacy landscape, which should be the current baseline for the development (red line) area, there will be either a Neutral or Minor Beneficial Effect. Retention of any built infrastructure will be Adverse.
- 8.47. ES, Vol 1, Chapter 8 [APP-060] at Tables 8-19 Significant Visual Effects: Private Receptors and 8-20 Significant Visual Effects: Public Receptors, acknowledges that there will be significant adverse effects during Construction

and at Operation Year 1, which will decrease in some cases at Operation Year 15 as the mitigation matures. Decommissioning will experience some Significant Adverse visual effects due to the nature and scale of the work to be undertaken, and this is acknowledged in the ES assessments. This will decrease considerably once decommissioning is complete and the legacy landscape remain.

#### Cotswolds National Landscape Designation and its Special Qualities

- 8.48. The Cotswolds National Landscape is an important material planning consideration. It has been assessed as its own standalone receptor in [APP-197] ES Vol 3, Appendix 8.6 – Assessment of Effects on the Cotswolds National Landscape and its Special Qualities [APP-197].
- 8.49. This Appendix includes assessment of the impacts of the proposal upon landscape character and visual amenity, drawing on the findings of the LVIA and also assesses the effects of the proposals on the special qualities of the Cotswold National Landscape. This Appendix also considers the enhancement measures incorporated into the scheme, stated to further the purposes of the Cotswold National Landscape.
- 8.50. The council considers that the CNL Conservation Board is better placed to offer technical comment in relation to matters directly and indirectly impacting the CNL and its special qualities.

#### Rochdale Envelope

- 8.51. The Applicant is relying on the Rochdale Envelope as the method by which they will be able to make changes to the DCO scheme. However, the Rochdale Envelope relies upon the maximum and minimum parameters having been established during the EIA. There is limited evidence that the worst-case scenario assessment has been carried out within Chapter 8 of the ES [APP-060].
- 8.52. Version 3 of '*Nationally Significant Infrastructure Projects – Advice Note Nine: Rochdale Envelope*' updated in March 2025, gives guidance on the use of the Rochdale Envelope.
- 8.53. Paragraph 2.3 (*Judge (Sullivan J. (as he then was)) in Milne (No. 2) ('the Judgment')*), is clear in that the assessment should be carried out on the worst case scenario; contain sufficient information to enable the main and likely significant effects to be assessed and mitigation measures to be described; and that the need for flexibility should not be abused. It states:

*"This does not give developers an excuse to provide inadequate descriptions of their projects. It will be for the authority responsible for issuing the development consent to decide whether it is satisfied, given the nature of the project in question, that it has 'full knowledge' of its likely significant effects on the environment. If it considers that an unnecessary degree of flexibility, and hence uncertainty as to the likely significant*

*environmental effects, has been incorporated into the description of the development, then it can require more detail, or refuse consent" (para 95 of the Judgment);*

8.54. Paragraph 2.4 provides additional insight into the practical application of the above judgement. The key principles in the context of the DCO application are summarised below:

- the DCO application documents should explain the need for and the timescales associated with the flexibility sought and this should be established within clearly defined parameters;
- the clearly defined parameters established for the Proposed Development must be sufficiently detailed to enable a proper assessment of the likely significant environmental effects and to allow for the identification of necessary mitigation, if necessary within a range of possibilities;
- the assessments in the ES should be consistent with the clearly defined parameters and ensure a robust assessment of the likely significant effects;
- the DCO must not permit the Proposed Development to extend beyond the 'clearly defined parameters' which have been requested and assessed. The Secretary of State may choose to impose requirements to ensure that the Proposed Development is constrained in this way;
- the more detailed the DCO application is, the easier it will be to ensure compliance with the Regulations.

### **Draft DCO and Control Document Considerations**

8.55. Schedule 2 of the draft DCO (3.1) [APP-016] includes the Requirement for submission of a written 'Landscape and Ecological Management Plan' (LEMP) for the LPA's approval as prescribed by DCO Requirement 7, under schedule 2, which must be substantially in accordance with the outline LEMP.

8.56. The draft DCO also includes a Requirement for submission of a written 'ecological protection and mitigation strategy' (EPMS) for the LPA's approval as prescribed by DCO Requirement 8, under schedule 2, which must be substantially in accordance with the outline EPMS.

8.57. Given that both of the above DCO Requirements (7 & 8) anticipate some refinements and changes to suit the flexible design parameter approach under Rochdale Envelope principles, it seems logical that the currently presented 'Landscape and Ecology Mitigation Plan(s)' illustrated by ES, Vol 2, 6.2, Figures 3-4-1 to 3-4-5.2 [APP-084] would also likely require update amendments as they illustrate the spatial arrangement of the landscape and ecology proposals.

This is considered important for planning enforcement function during the operational and maintenance phase of the project. The draft DCO should include provision for this.

- 8.58. There is a risk that DCO Requirements, 7, 8 and 9 (10% BNG) could produce slightly different strategy and management plan outputs / expectations. These need to be carefully co-ordinated or combined so that they do not conflict with each other, to ensure there is a clear landscape scheme for future planning enforcement and monitoring purposes.
- 8.59. Furthermore, the Outline Construction Environmental Management Plan (oCEMP) and outline Landscape and Ecological Management Plan (oLEMP) are broad brush documents which will provide a framework for the preparation of the final CEMP (DCO Requirement 13) and LEMP (DCO Requirement 7) documents to be prepared in broad accordance with. Both documents are proposed to be secured as specific DCO requirements, requiring final approval by the LPA based on the final scheme design.
- 8.60. The information included within the outline LEMP (7.18) [APP-283], appears reasonable for this stage of the application process given that the Applicant seeks some final design flexibility. The outline LEMP should be read alongside the 'Landscape and Ecology Mitigation Plan' ES Vol 2, 6.2, Figures 3-4-1 to 3-4-5.2 [APP-084]. These figures illustrate the principle of the envisaged landscape and ecological mitigation proposals for each of the areas (Sites A to E) based on the current illustrative design layout. No specific landscape and visual concerns are raised in relation to the content of the outline LEMP at this stage. However, this document should acknowledge within the introduction at Section 1 that the purpose of this document should also recognise its function to detail management of any specific landscape and visual mitigation measures identified through the LVIA e.g. maintain hedges at a lower height adjoining the CNL boundary or to develop and maintain structured screening of solar and BESS infrastructure, in order to ensure residual landscape and visual effects and impacts are reduced in line with assessment.
- 8.61. Alongside the LEMP there should be a tandem or combined DCO Requirement to update the Landscape and Ecology Mitigation Plan(s) [APP-084] with further detail based on any finally agreed scheme. The final LEMP report must be accompanied by relevant plans illustrating the spatial relationship of features and habitats to be established, managed and monitored on the ground and to provide a clearly enforceable planning scheme.
- 8.62. The LEMP gives a general overview but does not currently provide the level of detail required to ensure that the landscape and ecological mitigation and enhancement measures are going to be adequately dealt with. It is recommended that the final LEMP should start with an overview of the project and the general LEMP recommendations; then a LEMP is then detailed for each of the five Sites (A-E) and the CRC. These are still very large areas, but the project areas can be broken down into manageable parts, which will incorporate differences in the planting and management requirements across the sites and CRC. Any final LEMP needs to be accompanied by clear plans to ensure the

management prescriptions within the written report relate to the spatial arrangement and management requirements on site.

- 8.63. The LPA does not agree that the CRC should not be included within the LEMP, although the wording at Section 1.1.6 of the Outline LEMP [APP-283] is somewhat ambiguous and it is not clear what, or whether any management at all is proposed. However, it is essential that the planting specifications and management regimes are secured for the reinstatement and successful establishment of landscape features and ecological habitats along the route alongside longer-term management recommendations. The LPA considers this should be secured with a CRC LEMP. This might run for a much shorter timeframe i.e. 5yrs, which would align with the typical establishment and maintenance period for a standard conditioned landscaping scheme.
- 8.64. The outline CEMP is relatively broadbrush and the final iteration can be issued as an overarching document. However, site specific (A-E) and CRC issues should be grouped together for ease of interpretation and future use.

## **9. Ecology and Biodiversity Considerations**

### **Policy Considerations**

- 9.1. Section 9.3 of the ES Vol 1, 6.1 Chapter 9: Ecology and Biodiversity [APP-061] provides a comprehensive list of relevant ecological legislation, national planning policy and local planning policy pertinent to the project.
- 9.2. Local planning policy cited has included relevant policies from the Wiltshire Local Plan Pre-Submission Draft 2020-2038 (Regulation 19) (hereafter referred to as draft Local Plan), namely Policy 86 Renewable Energy, Policy 88 Biodiversity and Geodiversity, Policy 89 Biodiversity Net Gain, Policy 90 Woodland, Hedgerows and Trees and Policy 93 Green and Blue Infrastructure. This is welcomed because the draft Local Plan, which is currently at Examination, presents Wiltshire Council's policy intent and as stipulated in Paragraph 49 of the National Planning Policy Framework (NPPF) (December 2024), weight may be given to relevant policies in emerging plans. However, the weight to be attributed to the draft Local Plan is subject to the provisions of clauses a) to c) of Paragraph 49 and will be a matter for the decision-making authority (Secretary of State) and the Examining Authority (the Planning Inspectorate (PINS)).
- 9.3. The approach taken to the project as detailed in ES Vol 1, 6.1 Chapter 9 Ecology and Biodiversity [APP-06] has had due regard to the requirements of the NPPF and Core policy 50 Biodiversity and Geodiversity of the Wiltshire Core Strategy (WCS) (Adopted January 2015), and the principle of the mitigation hierarchy has been followed as far as possible in accordance with Core policy 50. Nonetheless, it is inevitable given the extent of the Order Limits and the scale and nature of the proposed Nationally Significant Infrastructure Project (NSIP), that there will be impacts upon ecological receptors and features during the construction, operation and decommissioning phases that result in adverse

effects that cannot be entirely mitigated. For example, there will inevitably be some adverse effects on priority habitats / habitats of principal importance (HPI) listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 such as on account of hedgerow removal. Therefore, it is considered unlikely to be possible for the proposed Scheme to wholly comply with all requirements of national and local planning policy.

- 9.4. In addition, it is considered that overall, the potential for adverse effects on ecological features and receptors as a result of the proposals is consistently under-estimated, notably in relation to construction related impacts within the Cable Route Corridor (CRC). This overarching issue was also raised in the Council's statutory consultation response (March 2025).

## **Environmental Assessment Considerations**

### **General Comments Regarding Approach to Assessment**

#### Rochdale Envelope Approach

- 9.5. ES Vol 1, 6.1 Chapter 3: The Scheme [APP-055] sets out the Applicant's intent to rely on the 'Rochdale Envelope' approach to the environmental assessment. Planning Inspectorate Guidance: Nationally Significant Infrastructure Projects – Advice Note Nine: Rochdale Envelope states at paragraph 1.2:

*"The 'Rochdale Envelope' approach is employed where the nature of the Proposed Development means that some details of the whole project have not been confirmed (for instance the precise dimensions of structures) when the application is submitted, and flexibility is sought to address uncertainty."*

- 9.6. Paragraph 1.3 of Advice Note Nine goes on to state: *"However, Energy (EN-1), the NPS for Renewable Energy Infrastructure (EN-3) and the NPS for National Networks all stress the need to ensure that the significant effects of a Proposed Development have been properly assessed."*
- 9.7. Paragraph 1.4 of the Advice Note Nine stipulates: *"If flexibility is sought then it is essential that Applicants ensure the following is achieved:*
  - *that the approach is explained clearly for the purpose of consultation and publicity at the Pre-application stage;*
  - *that the Environmental Statement (ES) explains fully how the flexibility sought has been taken into account in the assessments and why it is required; and*
  - *that there is consistency across the application documents including any other relevant environmental assessments (e.g Habitats Regulations Assessment (HRA) or Water Framework Directive (WFD) assessment)."*

- 9.8. Whilst it is recognised that the Applicant has the option to use this approach, APP-055 details the scope of the intended approach and it is evident that the

Applicant effectively wants flexibility over all aspects of the Scheme and would therefore be able to make changes to any aspect of the Scheme. This does present some concerns for Wiltshire Council's ecology team because as specified in paragraph 3.2.23 of APP-055, the Rochdale Envelope approach to assessment relies upon the maximum, and where relevant, the minimum parameters having been established and considered in detail during the Environmental Impact Assessment (EIA) to ensure the realistic worst-case effects of the Scheme are assessed for each potential receptor, however, it is not always apparent this has been the case. Furthermore, it is not entirely clear whether the requirements of the second and third bullet points of paragraph 1.4 of Advice Note Nine have been wholly fulfilled, and as such it is recommended that the Examining Authority gives this due consideration.

### Cable Route Corridor

- 9.9. In ES Vol 1, 6.1 Chapter 4: Alternatives and Design [APP-056], paragraph 4.6.11 specifies that the cable route corridor (CRC) may be up to 600m wide in some locations, whereas other DCO application documents state that it would be up to 665m in some locations. This discrepancy should be rectified, and it has been assumed that the reference to 665m width is correct.
- 9.10. With the exception of habitat surveys which have been undertaken across most of the CRC since Wiltshire Council provided its statutory consultation response (March 2025), there doesn't appear to have been any other ecological or species-specific survey conducted within the CRC to inform the ES and DCO application. The overarching rationale provided for this in the ES and associated appendices is that impacts within the CRC will effectively be restricted to primarily temporary construction related impacts. The council considers that this is not a sufficiently robust justification for the lack of species-specific and further ecological survey. As such, the council remains concerned regarding the lack of ecological baseline data and information that has been collated for the CRC and surrounding areas and considers that the potential significance of effects upon ecological receptors and features within the CRC and the surrounding vicinity over the approximate 18-month construction period and beyond, has potentially been under-estimated.
- 9.11. It should be noted that approximately 17 ha of land within the CRC has not been accessed for the purposes of ecological survey and as such, there is a gap in the ecological baseline information (this is discussed further below).
- 9.12. Section 9.9 of ES Vol 1, 6.1 Chapter 9: Ecology and Biodiversity [APP-061] details 'embedded' design measures. Under the heading of 'Construction Phase Embedded Mitigation' it is detailed that buffers from field boundary habitats and other ecological features will be implemented and that buffers will not contain any array structures, hard standing or electrical hardware. It is assumed that these ecological buffers will be implemented within the CRC. However, it is stated in ES Vol 1, 6.1 Chapter 2: The Order Limits [APP-054] that within the CRC, where practicable, cable routing would be to the edge of fields to minimise impacts. This approach would fail to accord with the embedded mitigation measures put forward in APP-061, given that to undertake

the works in this way would not permit the implementation of buffers from important ecological features along field boundaries. As such, it is unclear why APP-054 has specified that routing cables to the edge of fields would minimise impacts; it is queried whether this is referring to impacts on agricultural land uses / arable production. Routing cables along field boundaries will likely increase the potential for ecological and arboricultural impacts due to adverse effects on sensitive field boundary habitat including hedgerows, hedgerow trees and arable field margin flora as well as the fauna that use these habitats.

9.13. In addition, paragraph 3.3.58 of ES Vol 1, 6.1 Chapter 3: The Scheme [APP-055] states: "*Fibre communication chambers will be installed typically every 500 to 750m but can be up to 2,000 m apart along the cable route. These are generally located at field boundaries. The final locations would be determined at detailed design. The excavation for this type of chamber would be approximately 1.5 m length, 1 m wide and 1.5 m deep.*" This further suggests that there will be works within proximity to sensitive field boundary habitats including hedgerows and trees, and that the implementation of a buffer zone at these locations will not be possible contrary to the indication in ES Vol 1, 6.1 Chapter 9: Ecology and Biodiversity [APP-061].

#### Targeted Consultation Response

9.14. In June 2025, the Applicant consulted on fifteen proposed changes to the Scheme via a targeted consultation. It is noted that the proposed changes have been taken forward and incorporated within the Scheme proposals as detailed in the DCO application submission documentation and figures. The council raised concerns regarding a couple of the proposed locations and remains concerned, particularly in regard to:

- Change 7: South West of Rodbourne, Lime Down E where works have potential to impact the edge of an ancient broadleaved woodland / priority habitat / HPI that is known as North Bincombe Wood and is also designated as a CWS named Rodbourne Plantation; and
- Change Location 10: A429 / B4014 Roundabout where the potential for impacts to traditional orchard priority habitat / HPI should be determined and addressed, where necessary;

#### Availability of Confidential Reports and Figures and Redaction / Obscuring of Information

9.15. ES Vol 3, 6.3 Appendix 9-2 [APP-199] and 9-8 [APP-205] and the ES Vol 2, Figure 9-2-1 to 9-2-5 [APP-115] and Figure 9-2-6 to 9-2-10 [APP-116], the badger sett figures for the Solar PV Sites and CRC, are listed as confidential. These reports were not provided to the council and had to be specifically requested by the council's Ecology Officer, thereby frustrating the review process which was already very tight in terms of timeframe.

9.16. In addition, key information is redacted / obscured throughout the entirety of ES Vol 1, 6.1 Chapter 9: Ecology and Biodiversity [APP-061] which hindered the

review process significantly. It is unfortunate that the Applicant did not provide an unredacted version of the chapter to the council to aid review, not even after the request for the confidential documentation cited in the preceding paragraph.

### 132kV Substations

9.17. The DCO application documentation doesn't appear to stipulate how many 132kV substations are proposed. Paragraph 3.3.37 of ES Vol 1, 6.1 Chapter 3: The Scheme [APP-055] reads as though it intended to specify the number of 132kV substations proposed, and yet omits the number presumably in error as it states: "*Up to 132 kV Substations will be located at Lime Down A, Lime Down C, Lime Down D and Lime Down E* (refer to ES Volume 2, Figure 3-1: Indicative Site Layout Plan [EN010168/APP/6.2])." It shouldn't be necessary to cross-reference to plans in order to attain this key information about proposed Scheme infrastructure.

### **Ecological Baseline Methodology**

#### Desk Study

9.18. Section 2.2 of ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] presents details of the desk study undertaken. In respect of the CRC, paragraph 2.2.5 states: "*Data pertaining to designated sites and Priority Habitat within the Cable Route Corridor was consulted during the desk study exercise using the same sources. Given the temporary and limited nature of impacts associated with construction activities within the Cable Route Corridor, and that the construction working area will be refined further to an approximate width of 25 m, data pertaining to designated sites and Priority Habitats within a search radius around (i.e. beyond) the Cable Route Corridor was not considered proportionate.*"

9.19. Thus, the desk study exercise has not entailed a search for, and identification of, statutory and non-statutory designated sites beyond the CRC. The council would have at the very least expected 2km and 1km search areas around the CRC to be used to obtain information relating to statutory and non-statutory designated sites respectively.

9.20. The desk methodology in relation to the CRC is therefore a concern to the council as it has not facilitated the identification of any international, national or local designated sites, HPI / priority habitats or ancient woodland beyond the CRC even though it extends the substantial distance of approximately 22km and will be up to approximately 665m in some locations and temporary construction compounds will be sited throughout the CRC.

9.21. The approach to the desk study method for the CRC and the underpinning rationale presented in the above extract from APP-198 is considered to be representative of the way that the potential mechanism for adverse effects on ecological receptors as a result of impacts associated with the proposed activities within the CRC has been under-estimated. The council considers that the perceived assumption that there will be no / limited pathways for impacts on

ecological features and receptors beyond the construction footprint of the CRC to be incorrect. As such, the desk study methodology is considered inadequate particularly given that the Applicant has opted to rely on the Rochdale Envelope approach and that the realistic worst-case effects of the CRC should be assessed for all potential ecological receptors.

- 9.22. Paragraph 2.2.6 of ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] goes on to detail that existing records of legally protected species and species of conservation concern within 500m of the CRC were obtained from WSBRC compared to the 2km search parameter used for the Solar PV Sites. As such, the search parameter for the acquisition of species records was restricted to the CRC itself. This is likewise considered inadequate given that the construction works will be substantive and be undertaken along an approximate 22km long route which will include temporary construction compounds with artificial lighting and that the CRC will be up to approximately 665m wide at some locations. This works footprint will comprise a considerable area when considered in totality. As such, it is deemed necessary to ensure that the desk study entails collation of data regarding protected species and species of conservation concern within an adequate search area in order to aid assessment of the potential for presence of species / species groups within the construction working area and within adjoining / nearby habitats so as to be suitably precautionary and to align with industry best practice. Moreover, there have been no species-specific or Phase 2 surveys within the CRC, and so the acquisition of more comprehensive data would be expected to augment the ecological baseline.
- 9.23. The council again highlights the requirements given that the Applicant has opted to rely on the Rochdale Envelope approach in respect of the CRC and indeed, the Scheme in general, and of the need to be precautionary and to assess realistic worst-case effects of the CRC for all potential ecological receptors, including protected and notable species and species of conservation concern.
- 9.24. By way of an example to augment the point being raised herein, if the council were to receive a dedicated planning application for a project akin to the CRC, covering a distance of approximately 22km and with a construction working area of up to approximately 665m wide at some locations along the route, which is clearly a considerable width, including the installation of temporary construction compounds along the route, the council would expect a comprehensive desk study to have been conducted in accordance with best practice so as to be suitably precautionary. This would ensure that sufficient information and data is provided to facilitate a robust and fully informed impact assessment. This would be the expectation even if the potential for effects would mainly occur during the construction phase.

### Habitat Surveys

- 9.25. Section 2.3 of ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] presents the methodology for the habitat surveys. It does not specify that survey of any of the fifteen areas where amendments to the development

boundary were proposed and which were the subject of a Targeted Consultation in June 2025, have been undertaken. The proposed changes have now been subsumed within the red line boundary of the Scheme and so clarity regarding whether these areas have been surveyed should be sought, especially in relation to Change Locations 7 and 10.

9.26. Paragraph 2.6.7 of ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] stipulates: “*As of August 2025, approximately 17 ha of land within the Cable Route Corridor has not been accessed for ecological survey due to a lack of access permission. Habitats within these areas have therefore not been classified under UKHab and have not been assessed for their potential to support protected species. An assumption of the likely habitats present has been made, based on available desk study information (using satellite imagery and opensource datasets, where relevant), and the context of other habitats present within the local landscape. The precautionary principle has been applied when considering the habitat classification and suitability of habitats for protected species. Access agreements are being sought for these areas, and it is intended for all currently un-surveyed areas of the Cable Route Corridor to be surveyed. Following completion of the outstanding survey work, the results of the surveys will be submitted into the Examination and amendments to this appendix will be made, if required.*”

9.27. The un-surveyed area within the CRC is a concern for the council as the primary host authority. Although, it is stipulated in APP-198 that the precautionary principle has been applied, the absence of the associated ecological baseline data represents a significant omission and could give rise to inaccuracies in the ES.

## **Ecological Baseline**

### Statutory Designated Sites

#### Solar PV Sites

9.28. Paragraph 3.1.1 of ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] states that ...”*four international designated sites with qualifying mobile species (bats and/or migratory birds) were identified within the wider search radius of 30 km.*” However, paragraph 3.1.2 then states: “*These five international designated sites are summarised in Table 9-1-2 below.*” This discrepancy should be addressed.

#### Cable Route Corridor

9.29. As discussed earlier in this response, the desk study methodology for the CRC entailed identifying statutorily designated nature conservation sites within or immediately adjacent to the CRC only.

## *Bath and Bradford-on-Avon Bats SAC*

9.30. Paragraph 3.1.4 of ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] identifies that a component area of the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC) lies approximately 3.77km west of the CRC at its closest point. Paragraph 3.1.7 then states: "*An amalgamation of up-to-date Core Areas are presented within the 'Impact Zones for Bat Species' layer on the publicly available 'Wiltshire Planning Explorer' map (Ref 9-1-26). The Cable Route Corridor intersects an Impact Zone for Bat Species for approximately 1.5 km (covering an area of approximately 10.5 ha) to the southeast of Corsham.*" This does not recognise that the consultation zone that the CRC coincides with comprises the Bath and Bradford-on-Avon Bats SAC greater horseshoe bat consultation zone that encompasses a 4km radius around the Box Mine component of the SAC. This is illustrated on Plan 2 of the *Bat SAC Planning Guidance for Wiltshire* (Wiltshire Council and Natural England, September 2015) which is cited in paragraph 3.1.4. of APP-198. Nonetheless, in paragraph 1.3.19 of ES Vol 3, 6.3 Appendix 9-3 Bat Survey Report [APP-200] this is correctly identified. As such, it would be prudent for the same level of detail and description to have been transposed to APP-198 for consistency and completeness and given the requirement for the scheme to be assessed under The Conservation of Habitats and Species Regulations 2017 (as amended) (hereafter referred to as 'the Habitats Regulations').

9.31. Paragraph 1.3.19 of ES Vol 3, 6.3 Appendix 9-3 Bat Survey Report [APP-200] also specifies that approximately 10.5 ha of the 4km greater horseshoe bat consultation zone around the Box Mine component of the SAC is intersected by the CRC and correctly suggests that this area should be assumed to be land that is functionally linked to the SAC.

9.32. It is important to note that the eastern extent of the CRC lies only just beyond the extent of the 1.5km core area around two Bechstein's bat core maternity roosts near Lackham to the south of Chippenham which have been assumed to be functionally and demographically linked to the Bath and Bradford-on-Avon Bats SAC in the absence of evidence to the contrary; this precautionary approach has been agreed with Natural England.

9.33. The proximity of these core areas is recognised in ES Vol 3, 6.3 Appendix 9-3 Bat Survey Report [APP-200] as paragraph 1.3.24 states: "*Although the CRC does not intersect this Core Area, it does run between the Core Area (which lies to the east of the CRC) and the SAC (which lies to the west). It can therefore be assumed that Bechstein's bats associated with the Core Roosts to the east of the CRC may utilise habitats within the CRC to commute between those Core Roosts and the SAC.*" The council welcomes the adoption of this precautionary approach especially given the need for Habitats Regulations Assessment (HRA) (the HRA is discussed under the Assessment heading).

## Non-Statutory Designated Sites

### Solar PV Sites and Cable Route Corridor

9.34. Non-statutory designated nature conservation sites within 2km of the solar PV sites are identified and listed in Table 9-1-4 in ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] and yet as discussed above, the search parameter for the CRC comprised solely of the CRC itself with no search beyond the Order Limits. This is not considered to be adequate as the construction phase and associated activities could give rise to impacts on non-statutory designated sites and the species that utilise the sites, beyond the CRC itself, such as due to light spill from the temporary construction compounds, dust deposition and noise. Therefore, sufficient baseline information should be collated to inform a sound impact assessment. This includes the undertaking of an adequate desk study, the scope of which should be informed by a realistic and worst-case consideration of the potential mechanisms and pathways for effects, both direct and indirect, temporary and permanent. This is especially pertinent given the reliance of the DCO application on the Rochdale Envelope approach to the ES and hence, there is a need to apply the precautionary principle. It is considered that this requirement has not been wholly fulfilled.

## Habitats

9.35. It is considered that it is not made sufficiently clear in paragraphs 3.2.3 to 3.2.7 of ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] that the information presented regarding the presence of priority habitats relates to what has been identified during the desk study only rather than data and information collated regarding HPI within the Order Limits during field survey. As a result, it gives the incorrect impression that other HPIs / priority habitats are not present within the Solar PV Sites and CRC. It is suggested that a suitable heading is included along the lines of 'Desk Study Results'.

### Arable Field Margins - Solar PV Sites and CRC

9.36. Paragraph 3.2.16 – 3.2.21 of ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] describes the arable field margins present within the Solar PV Sites and CRC in terms of the UKHab habitat types and extent of the habitat present. Paragraph 3.2.22 recognises the arable field margins present as comprising an HPI / priority habitat of Local Importance and the council concurs with this evaluation.

### Modified Grassland – Solar PV Sites and CRC

9.37. Paragraph 3.2.24 ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] specifies that modified grassland habitat, either grazed by cattle or sheep or in grass silage production, accounts for 75.18 ha and 9.53% of the total extent of land at the Solar PV Sites and that although small areas of modified grassland are present at Lime Down Sites A, B, C and D, this habitat was mostly prevalent at Lime Down Site E.

9.38. In terms of the CRC, paragraph 3.2.26 of ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] details that livestock grazing is frequent throughout and that over 25% of the land area (approximately 117.15 ha) within the CRC is classified as modified grassland. Paragraph 3.2.27 recognises that modified grassland, particularly cattle-grazed pasture, does provide suitable foraging habitat for a range of species but evaluates the habitats as being of Site Importance.

#### Other Neutral Grassland – Solar PV Sites and CRC

9.39. Paragraphs 3.2.29 to 3.2.44 of ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] provides details of the other neutral grassland habitat within the Solar PV Sites and describes specific areas of this habitat in Fields E12, E18, E26 and C29. However, none are assessed to qualify as HPI / priority habitat.

9.40. In respect of the CRC, paragraph 3.2.45 of ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] specifies that there is over 15.44 ha of other neutral grassland which equates to 3.34% of the CRC. It then goes on to state: *“The vast majority of other neutral grassland was considered to represent a good example of this habitat type and was diverse in botanical species composition.”* Nonetheless, there is no further detail provided regarding the species composition of the other neutral grassland within the CRC or discussion in terms of whether any of the areas could qualify as HPI / priority.

9.41. Paragraph 3.2.46 of ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] states: *“When combined as a whole, the other neutral grassland is of moderate botanical interest and likely to support a diverse range of wildlife, more so than other agricultural land across the Order Limits. Overall, this habitat is considered to be of Local Importance.”*

9.42. The council considers that the omission of further detail and analysis of the other neutral grassland habitat within the CRC and whether any areas of this habitat could constitute HPI / priority habitat must be addressed to enable a suitably informed and robust assessment of the whole Scheme. Therefore, at present the council cannot corroborate the evaluation of this habitat type across the entire Order Limits as being of local importance.

9.43. Furthermore, there are areas within the CRC that are mapped on the Baseline Habitats Maps for the CRC (Figures 9.1.13 – 9.1.24) as “Habitat Assumed”, and presumably these are the areas not yet accessed for the purposes of survey. It is noted that there are “Habitat Assumed” areas within the CRC that are also mapped as “Other neutral grassland”. It is important that such areas are subject to survey and the habitat and botanical composition and diversity determined before approval is granted for the DCO because if such other grassland areas are species-rich, it is possible that some areas of assumed other neutral grassland within the CRC could in fact qualify as HPI / priority habitat. It is therefore recommended that the Examining Authority reviews this with caution as evidently the DCO application lacked adequate ecological baseline information and data for the CRC at the point of submission. Given that the

Applicant has indicated the intention to rely on the Rochdale Envelope approach and in light of the parameters specified within the DCO submission documentation for use of this approach, it is suggested that in the interim period, whilst surveys are pending or in the event that the DCO determination needs to proceed, areas mapped as both “Other neutral grassland” and “Habitat Assumed” should be assumed to comprise grassland HPI / priority habitat as it is necessary to apply the precautionary principle.

#### Ponds – Solar PV Sites and CRC

- 9.44. The evaluation of the ponds within the solar PV sites and CRC presented in paragraph 3.2.77 of ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] appraises this habitat as being of Local Importance. The evaluation does not specify that the ponds within the Order Limits likely qualify as HPI / priority habitat, despite the fact that in the legends of the Baseline Habitats Maps (Figures 9.1.8 – 9.1.12 and Figures 9.1.13 – 9.1.24) in ES, Vol 2, ponds are described as “Ponds (priority habitat)”.

#### Hedgerows – Solar PV Sites and CRC

- 9.45. Paragraph 3.2.88 of ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] stipulates that over 84km of hedgerow exists across the Solar PV Sites, over 66km of which were categorised as species-rich and a large proportion contained occasional semi-mature to mature trees. Paragraph 3.2.91 explains that the majority of hedgerows within the CRC are species-rich and form a network of connective linear features within the landscape. As such, the ecological importance of the hedgerow network and the fact that in general hedgerows comprise a HPI / priority habitat, is recognised in the evaluation presented in paragraph 3.2.93 of APP-198 which assesses the habitat as District Importance. However, the evaluation omits discussion regarding the extent of hedgerow that meets the criteria of “important hedgerows” under the Hedgerow Regulations 1997, and this point was previously raised in the council’s statutory consultation response. Although it is noted that the legends to the Baseline Habitats Maps (Figures 9.1.8 – 9.1.12 and Figures 9.1.13 – 9.1.24) do list out various categories of native species-rich hedgerows.

#### Protected and Notable Species

##### Badger

- 9.46. It is apparent that 25 badger setts of varying status and levels of activity have been recorded within Lime Down Sites A-E, along with a number of field signs. A total of eight badger setts have been identified within the Cable Route Corridor, including two main setts.

## Bats

### *Roosting Bats – Solar PV Sites and CRC*

- 9.47. Whilst it is recognised that paragraph 3.3.15 of ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] lists bat roost records within 2km of the CRC that have been obtained via a desk study, it would be prudent for the Bechstein's bat core maternity roosts to the south of Chippenham regarding which the council's ecology team provided a Technical Briefing Note, to be also included in paragraph 3.3.15 as these are located within 2km of the CRC.
- 9.48. It is evident that buildings within the Solar PV Sites were subject to inspection for roosting bats and potential roosting features (PRFs) but were not subject to further detailed surveys to establish the presence or likely absence of roosts within the buildings has been undertaken. The rationale provided is that all buildings are expected to be retained and unaffected by the Proposed Development. In the council's statutory consultation response, it was specified that although buildings are likely to be retained within the Scheme layout, there could be indirect disturbance to any bats using the buildings as roost sites during the construction phase and that as such, further survey of buildings with identified PRFs would have served to inform the layout of the Scheme in terms of ascertaining where infrastructure, BESS sites, compounds and so forth should be sited to minimise the potential for impacts on bats.
- 9.49. Wiltshire Council's statutory consultation response also specified that given that there are a large number of trees and a small number of buildings that afford potential to support roosting bats within the Order Limits, and that specific survey to ascertain the presence or likely absence of bat roosts has not taken place, it is unclear how a sound conclusion had been reached regarding the ecological value of the roosting bat assemblage which had been assessed as being of Local Importance in the PEIR. The council indicated that the assessment had potentially undervalued roosting bats in terms of the Solar PV Sites and as further survey of the trees with PRFs and buildings with bat roosting suitability was not undertaken, the precautionary principle should be applied. It is acknowledged that the roosting bat assemblage likely present within the Order Limits has been reviewed and reassessed as District Importance within the ES.
- 9.50. The council notes that further targeted survey of the buildings within both the Solar PV Sites and the CRC has not been undertaken in 2025. The council would like to highlight the value this additional survey could have provided for the ES and HRA given the large scale of the Solar PV Sites and potential for adverse effects on bats.

### *Foraging / Commuting Bats – Solar PV Sites*

- 9.51. The council's statutory consultation response recommended that manual transect surveys be undertaken in likely areas of key bat habitat within the Solar PV Sites to augment the static detector surveys. It is evident that this has not been undertaken. An expanded rationale setting out why manual transect

surveys are not deemed necessary and haven't been undertaken, despite Bat Conservation Trust (BCT) survey guidelines, has instead been provided.

#### *Foraging / Commuting Bats – Cable Route Corridor*

- 9.52. There has been no bat activity survey undertaken within the CRC and the assumption has been made that habitats within the CRC are likely of similar value for bats as those at the Solar PV Sites, and that a similar assemblage of bat species are likely supported. The rationale provided for why no survey has been conducted is that habitats within the CRC are anticipated to be predominantly retained, with any temporary removal of habitat for access and cable installation works expected to be reinstated following a relatively short construction period and that as such, undertaking specific bat activity surveys was not considered proportionate or necessary.
- 9.53. The council raised concern regarding the lack of bat activity survey within the CRC within its previous statutory consultation response. Whilst it is acknowledged that it would have been potentially unfeasible and possibly unnecessary to undertake bat activity surveys across the entire CRC, the council expected some survey to have been undertaken in specific locations where impacts are likely to be greatest, such as in the vicinity of the proposed temporary construction compound locations and the wider section of the CRC where it coincides with the Bath and Bradford-on-Avon Bats SAC greater horseshoe bat consultation zone and lies close to two Bechstein's bat core areas, especially in areas of cattle-grazed pasture.
- 9.54. Therefore, it is considered that there should have been some bat activity survey conducted within the CRC to facilitate the impact assessment and HRA and to inform the formulation of adequate and appropriate avoidance and mitigation measures. The rationale provided as to why no survey has been undertaken at any location within the CRC, despite the potential for impacts on Annex II bats associated with the Bath and Bradford-on-Avon Bats SAC, is not deemed to be wholly sound or sufficiently precautionary particularly. Furthermore, it is assumed that there had been opportunity to carry out survey in 2025 subsequent to the statutory consultation.
- 9.55. In terms of the Bechstein's bat core maternity roosts near Lackham, south of Chippenham, which have been assumed to be functionally and demographically linked to the Bath and Bradford-on-Avon Bats SAC, as aforementioned, the council corroborates the precautionary approach set out in paragraph 1.3.24 of the ES Vol 3, 6.3 Appendix 9-3 Bat Survey Report [APP-200].

#### Otter and Water Vole – Solar PV Sites and CRC

- 9.56. The council's statutory consultation response highlighted that species-specific otter and water vole survey had not been undertaken within the CRC. It is apparent from the DCO application documentation, that species-specific survey has still not been conducted within the CRC. It is deemed that this is inadequate and that a suitably robust rationale for the lack of these surveys has not been

provided. This is particularly pertinent given that the Applicant has opted to rely on the Rochdale Envelope approach.

9.57. The council's statutory consultation response suggested that the importance of the otter and water population within the Order Limits had been under-estimated in the PEIR. It is recognised that these comments have been taken on board and that both these species have been re-evaluated as being of District Importance within the DCO application documentation.

#### Great Crested Newt – Solar PV Sites and CRC

9.58. In respect of the Solar PV Sites, environmental DNA (eDNA) surveys have identified presence of great crested newts (GCN) in two ponds within Lime Down Sites C and E. GCN have also been recorded within a further 14 ponds located within 250 m of the Solar PV Sites. Paragraph 3.3.57 of ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] states: "*It has not been possible to survey a further 41 ponds which lie beyond the Solar PV Sites but within the surrounding 250 m due to a lack of access permission.*"

9.59. In terms of the CRC, paragraph 3.3.59 of ES Vol 3, 6.3 Appendix 9-1: Ecological Baseline Report [APP-198] stipulates: "*During the desk-based assessment, approximately 130 waterbodies were identified within the Cable Route Corridor and surrounding 250 m. District Level Licensing will be utilised for works within the Cable Route Corridor, which assumes the presence of GCN within local waterbodies and stipulates mitigation and compensation measures to reduce and offset impacts on this species. As such no surveys to determine the presence or likely absence of GCN have been undertaken for ponds within the Cable Route Corridor.*"

9.60. Confirmation that the Applicant intends to use Natural England's GCN District Level Licensing Scheme (DLL) in respect of the CRC is acknowledged and this clarification is welcomed as it had not been provided within the PEIR as such, the council's statutory consultation response had queried this point.

9.61. Nevertheless, the Examining Authority should be aware of a very important point, which is that to use the GCN DLL Scheme, the Applicant will need to have obtained an impact assessment and conservation payment certificate (an IACPC) from Natural England, and that this should have been submitted with the DCO application just as is the expectation for planning applications. It is not apparent whether the Applicant has obtained an IACPC yet as it has not been submitted with the DCO application in lieu of a GCN mitigation strategy for the extensive CRC. Chapter 9 specifies that there is intention to apply to use the DLL but it does not appear to stipulate that an application has been submitted to date.

9.62. The fact that the DCO application lacks the necessary IACPC is important and pertinent to the Examining Authority's review of the DCO application, because if Natural England does not grant the IACPC, the Applicant would need to conduct pond survey and depending on the survey results, would likely need to formulate a bespoke mitigation strategy and apply for a mitigation licence from

Natural England. Details of a bespoke GCN mitigation strategy, where required, would need to be scrutinised by the Examining Authority prior to the DCO application being granted approval. The acquisition of the IACPC and provision of the certificate gives the decision-making authority certainty that adequate and appropriate mitigation and compensation is deliverable and has been secured in principle.

- 9.63. The Examining Authority should also be aware that upon receipt of the IACPC, they will need to check that the certificate has been signed for, and on behalf of Natural England; that the site details and boundaries of the IACPC are the same as on the DCO application; and that the countersigned IACPC confirms that the development: is suitable for DLL; meets the 'favourable conservation status' (FCS) test in the Habitats Regulations 2019; and will compensate for any impacts on GCN by a conservation payment. As with all applications, the Examining Authority will also need to consider if the development meets the 'no satisfactory alternative' test and 'imperative reasons of overriding public interest' (IROPI) test.
- 9.64. GCN are European Protected Species (EPS) and the Solar PV Sites and the Cable Route Corridor cover a very large area. Signaling the intention to use the DLL does not in itself provide evidence that sufficient and adequate mitigation and compensation will be implemented. In the absence of an IACPC from Natural England, there cannot be certainty of delivery of compensation for loss of and impacts to GCN habitat and clearly such assurance would be needed prior to the approval of a Scheme of this scale. Moreover, the precautionary principle should be adhered to in respect of this matter, particularly in light of the Applicant opting to rely on the Rochdale Envelope approach.
- 9.65. At the PEIR stage, the council commented that given the amount of outstanding survey and gaps in the ecological baseline information in respect of GCN, a suitably informed and comprehensive mitigation strategy had not been formulated for the species, and as such comments could not be provided regarding whether proposed mitigation and compensation at the site is adequate and likely to be effective. This issue has not been entirely overcome within the DCO application.

#### Breeding Birds - Solar PV Sites and CRC

- 9.66. In regard to the solar PV sites, paragraph 3.3.69 of APP-198 specifies: "*Barn owl Tyto alba were recorded as possibly breeding at each of Lime Down A-E, with suitable buildings and / or mature trees with cavities present.*" Evidence of possible breeding barn owl within the solar PV sites is also presented in the Target Notes in Annex A of APP-198. Given this evidence, the council would have expected species-specific survey for this important Schedule 1 species to have at least been carried out at the buildings within the Solar PV Sites.
- 9.67. APP-198 specifies that the Solar PV Sites as a whole offer suitable habitat for a variety of breeding birds. It is apparent, however, that no breeding bird surveys have been undertaken within the CRC. The rationale put forward is as follows: "*Habitats within the Cable Route Corridor are anticipated to be*

*predominantly retained, with any temporary removal of habitat for access and cable installation works expected to be reinstated following a relatively short construction period. As such, undertaking specific breeding bird surveys was not considered proportionate or necessary.”*

- 9.68. Given the extent of the CRC, the construction duration and construction methods to be employed, together with the deployment of temporary construction compounds throughout the CRC and the fact that the construction footprint will be up to approximately 665m wide at some locations along the route, in order to be suitably precautionary and to ensure the collation of adequately comprehensive and robust ecological baseline data, the council would have expected breeding bird survey to have at least been undertaken at likely key habitats within the CRC. The justification for the lack of survey is not deemed to be sufficiently strong and appears to be predicated on the assumed temporary nature of construction phase related impacts. It is considered that this fails to fully recognise the potential for disturbance and displacement of birds during the breeding season.
- 9.69. The breeding bird assemblage at the Solar PV Sites and the CRC has been assessed as being of District importance. This has obviously been concluded without any breeding bird survey data having been collated for the CRC and the Examining Authority should take this into account.

#### Overwintering Birds - Solar PV Sites and CRC

- 9.70. In respect of the Solar PV Sites, APP-198 details that wintering bird surveys have recorded a diverse assemblage of birds, including a moderate diversity of 36 Species of Conservation Concern (SoCC). It is evident that no wintering bird surveys have been undertaken within the CRC. Instead, the analysis presented in the DCO application assumes that the habitats within the CRC are of similar value for overwintering birds as those at the Solar PV Sites and that therefore a similar assemblage of overwintering birds are likely supported. Taking this approach could omit the recording of further and / or different protected and notable wintering bird species and is not supported by the council.

#### White-Clawed Crayfish – Solar PV Sites and CRC

- 9.71. There has been no specific survey undertaken for white-clawed crayfish within either the Solar PV Sites or the CRC. This is despite suitable habitat for white-clawed crayfish being present in the form of Gauze Brook and Gabriel's Well watercourses in Lime Down Sites D and E, as well as a small number of wet ditches directly connected to these watercourses. The species is therefore assumed to be present within all suitable habitat, however, it is noted that paragraph 3.3.97 of APP-198 incorrectly refers to dormice within this context rather than white-clawed crayfish.
- 9.72. In the council's statutory consultation response, it was suggested that given that white-clawed crayfish are assumed to be present, assigning an ecological importance of greater than 'Local (assumed)' should be considered because

the species is in decline and under threat. It is noted that this evaluation has been reviewed and reassessed in the DCO application and that populations of white-clawed crayfish within the Order Limits are now considered to be of District Importance. This re-evaluation is welcomed and the council concurs with the valuation in the absence of dedicated survey having been conducted.

## **Embedded Mitigation**

### Buffer Zones

- 9.73. The proposal to implement buffers from field boundary habitats and other ecological features is welcomed. ES Vol 1, 6.1 Chapter 9: Ecology and Biodiversity [APP-061] specifies that buffers will not contain any array structures, hard standing or electrical hardware.
- 9.74. As discussed earlier, however, ES Vol 1, 6.1 Chapter 3: The Scheme [APP-054] states that within the CRC, where practicable, cable routing would be to the edge of fields to minimise impacts. As aforementioned, it assumed that buffer zones will also be implemented in the CRC. If so, the council considers that the approach to the cable routing works detailed in APP-054 would constitute unacceptable works within buffer zones to important field boundary habitats, including hedgerows and trees and will conflict with the Applicant's own proposed avoidance and mitigation measures as set out in Chapter 9 of the ES.

### Site Accesses

- 9.75. In terms of site access, paragraph 3.3.65 of ES Vol 1, 6.1 Chapter 3: The Scheme [APP-055] states: "*Wherever practicable, existing field accesses will be utilised for access to the Order Limits. If a suitable field access does not exist, for example due to poor highway visibility, new accesses would be constructed. Accesses would be designed to ensure there are no impacts on veteran or protected trees as a result of vehicle movements, however, there may be localised removal of sections of hedgerows as required, e.g. for visibility splays.*" The council supports the intention to utilise existing accesses as far as practicable.

### Temporary Construction Compounds

- 9.76. Given that the CRC intersects a 4km greater horseshoe bat SAC consultation zone associated with the Box Mine component of the Bath and Bradford-on-Avon Bats SAC, the Scheme proposals indicate that there will be no Temporary Construction Compounds sited within this area. The implementation of this approach is corroborated by the council.

## **Additional Mitigation**

### Breeding Birds

- 9.77. ES Vol 1, 6.1 Chapter 9: Ecology and Biodiversity [APP-061] details construction phase additional mitigation measures for ground nesting birds of open farmland. Paragraphs 9.12.31 - 9.12.32 states: "*Skylark and yellow wagtail have overlapping nesting requirements, and so skylarks have been used as an umbrella species for this assessment. Of the 164 skylark territories recorded at baseline, 33 are retained in undeveloped fields, leaving 131 likely to be displaced...The first way in which the impact of displacement on skylark (and yellow wagtail) will be reduced is through the large-scale creation of optimal foraging habitat in the form of diverse grassland types under / between Solar PV Panels and within buffer zones.*"
- 9.78. Whilst the intention to deliver large-scale optimal foraging habitat in the form of diverse grassland types under / between the Solar PV Panels is admirable, it must be noted that the council set out in its statutory consultation response to the PEIR, that it should be assumed that only modified grassland can be achieved underneath and between the solar panels. Although this comment pertained to Biodiversity Net Gain (BNG) projections and calculations, for the purposes of consistency, the whole of the ES and DCO application documentation should likewise assume that only modified grassland will be achievable under and between the solar panels.
- 9.79. The need to assume only modified grassland can be achieved under and between the solar panels is correctly recognised in the Biodiversity Net Gain Assessment Report (APP-273) and so it is not clear why there hasn't been consistency of approach within ES Vol 1, 6.1 Chapter 9: Ecology and Biodiversity [APP-061]. In addition, the council is concerned that assumption of delivery of the additional mitigation for breeding birds proposed in Paragraphs 9.12.31 - 9.12.32 will have skewed the impact assessment, conferring greater assumed benefits than will likely be delivered on the ground.
- 9.80. Therefore, the council does not have confidence that the purported additional mitigation for breeding birds in the form of diverse grassland types under and between the solar panels will be deliverable and the Examining Authority is advised to review with caution and to apply the precautionary principle. The requirements to be fulfilled when relying on the Rochdale Envelope approach to assessment should also be recognised in this context.
- 9.81. ES Vol 1, 6.1 Chapter 9: Ecology and Biodiversity [APP-061] also proposes additional mitigation for breeding birds in paragraphs 9.12.34 – 9.12.36. This will entail removing a number of fields from hosting infrastructure for the Scheme and managing them sensitively as set out within the Outline LEMP to provide improved nesting habitat for these species. The fields will either be managed as permanent grassland with a late season hay-cut (to avoid disturbance to birds during the breeding season) or as set-aside. APP-061 indicates that this will enhance the carrying capacity of the fields and that it is calculated that a total of 26.6 territories would be mitigated in this way.

9.82. The council welcomes these additional mitigation proposals which accord with the recommendations set out in the council's statutory consultation response.

## **Assessment of Impacts**

### Noise

9.83. The council's statutory consultation response to the PEIR highlighted the need for the noise generating elements of the Scheme proposals, including during the operational phase, to be assessed in relation to the relevant ecological receptors; notably noise sensitive / averse protected and notable species. It is recognised that ES Vol 1, 6.1 Chapter 9: Ecology and Biodiversity [APP-061] has followed this advice.

### Solar Panel Cleaning and Maintenance

9.84. Within its statutory consultation response, the council highlighted the need for the ES to assess the potential for the cleaning and maintenance of the panels to result in adverse effects to ecological receptors, particularly the habitats and ground flora within the Solar PV Sites. The response also highlighted that the potential adverse effects associated with the operational activities should be reflected in projections in respect of BNG.

9.85. The cleaning of solar panels is discussed in paragraphs 3.5.26 - 3.5.28 of ES Vol 1, 6.1 Chapter 3: The Scheme [APP-055] and it is stated that for the purposes of the assessments in the ES, an annual cleaning cycle is assumed. The suggested likely cleaning frequency set out in APP-055 doesn't align with that suggested in ES Vol 1, 6.1 Chapter 9: Ecology and Biodiversity [APP-061] as paragraph 9.10.178 specifies that the cleaning of the panels, would be infrequent and likely to be no more than every two years. It is therefore requested that this operational activity is reviewed and that Chapter 9 assumes an annual cleaning cycle in the interests of being suitably precautionary.

9.86. In respect of maintenance, ES Vol 1, 6.1 Chapter 3: The Scheme [APP-055] states in paragraph 3.5.10: "*The frequency of maintenance visits would reasonably be expected to be up to five visits per month to any of the Solar PV Sites.*"

9.87. The cited frequency of maintenance visits doesn't appear to align with discussion of frequency of operational activity within all the other DCO application documentation, and this level of operational activity doesn't appear to have been assessed within Chapter 9 [APP-061]. It is suggested that this is reviewed.

## **Habitats Regulations Assessment**

9.88. A Habitats Regulations Assessment Report [APP-275] has been submitted in support of the DCO application. This details that a HRA, comprising screening (Test of Likely Significant Effect) and an Appropriate Assessment, has been

undertaken for the Scheme. The HRA has concluded that with the adoption of mitigation measures to be secured within the Draft DCO, no adverse effects on site integrity of the Bath and Bradford-on-Avon Bats SAC, Severn Estuary SAC, Severn Estuary Special Protection Area (SPA) or the Severn Estuary Ramsar site are deemed likely, either in isolation or in combination with other projects.

- 9.89. The HRA has considered mitigation measures to be secured within the Draft DCO for avoiding identified potential significant effects on the Bath and Bradford-on-Avon Bats SAC as follows: the sensitive siting of Temporary Construction Compounds outside of Core Areas / Impact Zones, the narrowing of construction widths at field boundary habitats within the CRC to avoid fragmentation of habitat, control of lighting, and mitigation for loss of potential bat roost sites to avoid killing / injury to individual bats and ensure no net loss of roost sites.
- 9.90. The HRA states that to avoid significant effects on the Severn Estuary Ramsar site mitigation measures are to be secured within the Draft DCO include the adoption of trenchless techniques (e.g. HDD) for cable installation crossing watercourses likely to be used by qualifying fish species, and the burial of cables under watercourses to sufficient depths to minimise potential risks of electro-magnetic field (EMF) impacts on sensitive fish species.
- 9.91. APP-061 and the HRA Report [APP-275] recognise that an approximate 1.5km extent of the CRC passes through a greater horseshoe bat consultation zone that extends 4km from the Box Mine component of the SAC. As such, the area of the bat SAC consultation zone intersected by the CRC is approximately 10.5ha and it is recognised within APP-061 and the HRA that it comprises land that is functionally linked to the SAC with respect of greater horseshoe bats which are a qualifying feature of the SAC.
- 9.92. The council remains concerned regarding the total lack of bat survey within the CRC, and that the buildings identified as having potential to support roosting bats within the Solar PV Sites have not been subject to further bat survey. The council is also concerned that approximately 17ha of the CRC remains un-accessed to date and that an apparently as yet unknown extent of hedgerow (including important hedgerow) would be removed through the securing of the Draft DCO as detailed in 3.1 - Draft Development Consent Order [APP-016]. Applying the precautionary principle means that it should be assumed that these gaps in the ecological baseline data and information could have implications for the HRA. Accordingly, the council refrains from providing a view on the conclusions of the HRA at this stage and instead awaits at the very least, the provision of habitat survey information for the currently un-surveyed area of the CRC.
- 9.93. On the basis that the Examining Authority and / or the Secretary of State effectively comprise the Competent Authority for the DCO application, they should ensure that Natural England is consulted on the HRA and that regard is given to the comments provided by Natural England before a decision is reached.

9.94. The Competent Authority should also be satisfied that they have been provided with as much information as is reasonably required.

### **Biodiversity Net Gain Assessment**

9.95. Paragraph 3.3.80 of ES Vol 1, 6.1 Chapter 3: The Scheme [APP-055] states: *“The enhancements and planting would increase biodiversity and contribute to the Scheme achieving Biodiversity Net Gain (BNG). Further information is provided within ES Volume 1, Chapter 8: Ecology and Biodiversity [EN010168/APP/6.1] and ES Volume 1, Chapter 10: Landscape and Visual [EN010168/APP/6.1].”*

9.96. The two ES chapter numbers cited in this extract of APP-055 are incorrect.

9.97. It is acknowledged that BNG is not yet mandatory for NSIPs. It was due to take effect in November 2025 but has been delayed to May 2026 on account of the Government having held an associated consultation, the results of which are currently being reviewed.

9.98. Nevertheless, the DCO application has been accompanied by a BNG Assessment Report [APP-273] and Biodiversity Net Gain Assessment. Appendix Statutory Biodiversity Metric Calculation [APP-274].

9.99. In line with the advice set out in the council's statutory consultation response (March 2025), APP-273 has projected that only modified grassland of poor condition will be deliverable beneath the solar panels and between the solar panels rows. It also sets out that areas of grassland within the security fencing, but outside of the paneled areas themselves (i.e. in easements (e.g. for existing underground utilities) and margins between the fence line and the panels) have been assigned as modified grassland in good condition for the purposes of the BNG assessment and calculation. The council corroborates this approach as it represents a realistic projection and takes account of the disturbance to, and degradation of ground flora and habitats which may occur during the operational phase as a result of activities including solar panel cleaning, maintenance and replacement.

9.100. APP-274 has not been submitted in the requisite form which constitutes an unlocked Excel version of the Statutory Biodiversity Metric but instead has been submitted as a pdf document with screenshots of pages from the metric. This is not acceptable and as such, it is requested that the metric is submitted in the correct form. It is noted that PINS has also highlighted this issue. As a result, the council cannot at present provide more detailed comments on the BNG submission and will await the provision of the correct version of the metric with a view to providing detailed comments at that stage.

### **Draft DCO and Control Document Considerations**

9.101. In the council's statutory consultation response (March 2025) requested DCO Submissions / Control Documents relevant to ecology were as follows:

## **Suggested DCO Conditions / Requirements**

1. Ecology Mitigation and Enhancement Plan (EMEP) – a scaled drawing showing all existing ecological features, together with mitigation and enhancement measures in relation to solar panel layout. Specify buffer distances, locations of new planting, sowing, and other permanent features, whether retained or created.
2. Biodiversity Monitoring Strategy - detailing surveys of habitats and species / species groups.
3. Detailed Landscape and Ecology Management Plan LEMP (LEMP).
4. Final Construction Environmental Management Plan (CEMP).
5. Secure compliance with approved documents and plans.
6. Lighting Strategy (covering construction and operational / maintenance phases)
7. Requirement for use of horizontal directional drilling (HDD) under watercourses, woodland, hedgerows and any other habitats of importance lying along the cable route.
8. Developer monitoring contribution payable to the LPA – (amount to be agreed)
9. Phasing programme for delivery of mitigation, compensation and enhancement alongside development of the solar farm.
10. Decommissioning plan.

9.102. In terms of the Control Documents submitted alongside the DCO application, it is noted that this has included an Outline Ecological Protection and Mitigation Strategy (Outline EPMS) [APP-284]. It is stated that this has been produced to provide ecology focused prescriptions for the construction phase and to support the Outline Construction Environmental Management Plan (Outline CEMP) [APP-277] which has also been submitted with the DCO application. The submission of both these documents is welcomed.

9.103. Other Control Documents submitted alongside the DCO application comprise an Outline Landscape and Ecological Management Plan [APP-283] and Outline Operational Environmental Management Plan [APP-278].

9.104. It is evident that not all the DCO Conditions / Requirements that were listed in the council's statutory consultation response (as above) have been submitted in support of the DCO application. As such, the Examining Authority is requested to require those documents and plans from the list above that are currently outstanding.

### **3.1 Draft Development Consent Order [APP-016]**

#### Schedule 2 - Requirements

9.105. The draft DCO includes the requirement for submission of a written 'landscape and ecological management plan' (LEMP) for the relevant planning authority's

approval in consultation with the relevant statutory nature conservation body as prescribed by DCO Requirement 7, under Schedule 2, which must be substantially in accordance with the outline LEMP.

9.106. The draft DCO also includes a requirement for submission of a written 'ecological protection and mitigation strategy' (EPMS) for the relevant planning authority's approval in consultation with the relevant statutory nature conservation body as prescribed by DCO Requirement 8, under Schedule 2, which must be substantially in accordance with the outline EPMS.

9.107. The draft DCO also includes a requirement for a 'BNG strategy' to be submitted for the relevant planning authority's approval in consultation with the relevant statutory nature conservation body as prescribed by DCO Requirement 9, under Schedule 2, which must be substantially in accordance with the outline LEMP.

9.108. Given that it is anticipated that both of the above DCO Requirements (7 and 8) will require some refinements and changes to suit the flexible design parameter approach under the Rochdale Envelope principles, it would appear logical and prudent that the currently presented 'Landscape and ecology mitigation Plan/s' illustrated by [APP-084] (ES, Vol 2, 6.2, Figures 3-4-1 to 3-4-5.2) would also likely require update amendments given that they illustrate the spatial arrangement of the landscape and ecology proposals. This is considered important for planning enforcement function during the operational and maintenance phase of the project. As such, the draft DCO should include provision for this.

## **Schedule 12 – Hedgerows to be Removed**

### Part 1 – Removal of Hedgerows

9.109. Part 1 comprises a table that lists hedgerows which will be subject to removal work. Although the total length of the respective hedgerows are stated, the estimated length of the section to be removed has not been estimated and stated. This is concerning and would presumably allow the Applicant the flexibility to remove any length of the listed hedgerows. If it is feasible for a maximum extent of hedgerow that can be removed to facilitate various activities to be stipulated in Schedule 12 Part 1, the council would welcome that addition within the Draft DCO.

### Part 2 – Removal of Important Hedgerows

9.110. It is noted that the contents of Schedule 12, Part 2 and Part 3 does not match that contained within the draft DCO contents page description.

9.111. Part 2 comprises a table that lists a very substantial list of important hedgerows which will be subject to removal work. Although the total length of the respective important hedgerows are stated, the estimated length of the section to be removed has not been estimated and stated. This is a significant concern and would presumably allow the Applicant the flexibility to remove any length

of the important hedgerows listed in Part 2. As such, the Examining Authority is requested to necessitate that a maximum extent of important hedgerow that can be removed to facilitate various activities is stipulated in Schedule 12 Part 1. The council remains concerned regarding the potential for removal of extensive lengths of important hedgerow (ordinarily protected by virtue of the Hedgerow Regulations 1997) that the Draft DCO would secure.

### **Other Matters**

9.112. If the expectation is that Wiltshire Council will carry out all monitoring and compliance obligations during the lifetime of the Scheme, for example in relation to monitoring of the efficacy of ecological mitigation strategies, the LEMP or delivery of BNG, it will be necessary for an appropriate monitoring and compliance fee / financial contribution(s) to be secured. Given the substantive scale of the Scheme together with the duration of the operational phase, it is requested and strongly advised that Wiltshire Council is party to the discussions on this matter.

## **10. Arboriculture Considerations**

10.1. Within ES Vol 3, 6.3 Appendix 10-1: Arboricultural Impact Assessment and Outline Arboricultural Method Statement [APP-206], it is stated that the Applicant has carried out a desk top survey via the following:

- Natural England – Ancient Woodland (England) Ref. 10-11 reviewed on 5 June 2025;
- Ancient and Veteran Trees – The Woodland Trust – Ancient Tree Inventory Ref 10-12 reviewed on 5 June 2025;
- Tree Preservation Orders – GIS Shape Files regarding recorded TPO's – received from Wiltshire Council on 30 May 2025;
- Conservation Areas – Historic England Conservation Areas

10.2. The Arboricultural Impact Assessment and Outline Arboricultural Method Statement has taken guidance from *BS5837:2012 Trees in relation to design, demolition and construction – Recommendations* and *BS3998:2010 – Tree Work Recommendations*.

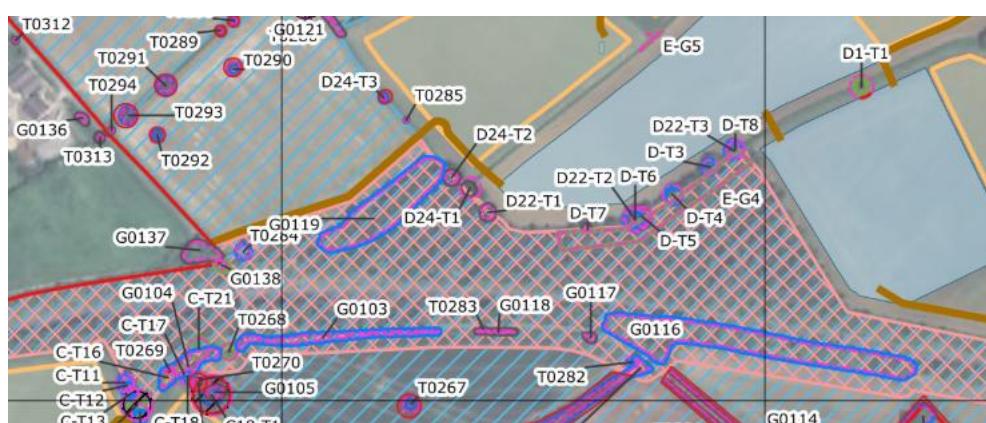
### **Battery Energy Storage System**

10.3. Unfortunately, the AIA and AMS do not cover any removal or proposed remedial works to trees in relation to the Battery Energy Storage System.

10.4. The proposed BESS with an export capacity of up to 500MW with a maximum area of 5.5ha is located in Lime Down Site D. The 400kV Substation area of up to 4.25ha is also located in Lime Down Site D. Substations up to 0.9ha are proposed in Lime Down Site A, Lime Down Site C, Lime Down Site D and Lime Down Site E.



- 10.5. Within ES Vol 1, 6.1 Chapter 3: The Scheme [APP-055], the foundation depth of the BESS is shown to be up to a maximum of 4m. There are no details shown to indicate that any piled method will be used. ES, Vol 2, 6.2 Figure 10-2-04 Tree Impact Plan [APP-134] does show an impact on the edge of woodland D22-T2, D-T6, D-T7, D-T5, D-T4, D-T3, D22-T3 and D-T8. Further information is required to ensure a detailed AMS is a complete document which will inform site operatives with regard to how the foundations of the BESS will be constructed in close proximity to trees.
- 10.6. The extract below, taken from ES, Vol 2, 6.2 Figure 10-2-04 Tree Impact Plan [APP-134] indicates possible tree impacts.



- 10.7. Point 1.2.11 of the ES Volume 3, 6.3 Appendix 3-1: Substations and Battery Energy Storage System Description [APP-182] APFP Regulation 5(2)(a) states: *"The foundations would most likely be a concrete piled foundation. Depending on type of soil and presence of clay. Foundation depth can vary up to 4m. The final depth of the foundations will be determined by site investigations."*
- 10.8. The council's Arboricultural Officer believes that the above point relates to the construction of the substations and not the BESS as this is not shown in the tables below:

Scheme Component	Parameter Type	Applicable Design Parameter
BESS Area	Maximum compound area	5.5 ha.
	BESS Battery Container	Maximum height of 4.5m (comprising 3.5 m BESS Containers and 1 m silencers).
	BESS foundation	Maximum 4 m depth.
	Integrated Conversion Units	15 m by 5 m and a maximum height of 3.5 m.
	Compound perimeter	A maximum of 3 m high palisade fencing around the compound.
400 kV Substation	Maximum compound area	4.25 ha
	Maximum height	13 m to the top of the busbars.
	Maximum foundation depth	Piled foundations to a maximum 12 m depth.
	400 kV Relay and Control Rooms	Maximum dimensions of 12.7 m by 34 m and maximum height of 4.8 m.
	132 kV Relay and Control Rooms	Maximum dimensions of 13 m by 13 m and maximum height of 4.8 m.
	33 kV Switch Room	Maximum dimensions of 4.5 m by 18 m and maximum height of 4.2 m.
	Compound perimeter	A maximum of 3 m high palisade fencing around the compound. A maximum of 2.5 m high deer type wire mesh and wooden post fencing outside of the palisade fencing.

10.9. Impacts to trees in Lime Down Site A-E and land at Melksham Substation have been scoped out of the Environmental Statement by the Planning Inspectorate as stated below:

*“The Scoping Report proposes to scope out impacts to trees in Lime Down A to E and Land at Melksham Substation for all phases on the basis that no significant effects are considered likely due to embedded mitigation to avoid impacts on trees and further mitigation to be included within the outline CEMP being in place.*

*The Inspectorate notes that the ground level tree surveys of Lime Down A to E and Land at Melksham Substation have identified 36 veteran trees to date. The Scoping Report states that a full tree survey in accordance with BS 5837:2012 is being undertaken at Land at Melksham Substation and other targeted areas within Lime Down A to E and the Cable Route Corridor where the potential exists for arboricultural impacts.*

*The Inspectorate agrees that significant effects are not likely to occur on the basis that suitable mitigation would be in place and a full tree survey would be undertaken where the potential exists for arboricultural impacts. As such, the Inspectorate agrees to scope this matter out for all phases. However, the ES should describe the mitigation which has been relied on to avoid significant effects and explain how this has been secured.”*

10.10. It noted in the Outline Construction Environmental Management Plan (CEMP) (7.12) [APP-277] that a Detailed AMS, based on post-DCO detailed design, will be produced prior to construction commencing and will be included within the detailed CEMP.

10.11. However, the North Wiltshire Local Plan (2011) – Core Policy NE14 Trees, site features and the control of development (Saved Policy) states:

*“Permission will not be granted for proposals that would result in or be likely to result in the loss of trees, hedges, lakes / ponds or other important landscape or ecological features that could be successfully and appropriately incorporated into the design of a development.”*

10.12. Additionally, the *National Planning Policy Framework (NPPF 2023), Section 15, Conserving and enhancing the natural environment* seeks to ensure that new development is sustainable and underlines the importance of green infrastructure, of which trees form an integral part. This includes recognition of the importance of trees in relation to the management of air, soil and water quality along with other associated ecosystem services and climate change adaption. The NPPF also seeks to achieve the protection and enhancement of landscapes and a net gain in biodiversity. Finally, it specifically identifies veteran and ancient trees and woodland as a highly valuable and irreplaceable habitat.

10.13. It is noted above that the 132kv and 400kv substations are noted to have piled foundations up to a maximum of 12 metres, the activity will be subject to appropriate design and risk assessment in line with a piling risk assessment in line with the CL:AIRE guidance document *Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention* (CL:AIRE, 2025, originally published by the Environment Agency, 2001). The presence of historic contamination, the piling methods required and the sensitivity of underlying groundwater will be considered in pile design. The requirement to undertake piling risk assessment prior to construction is secured in the Outline CEMP (7.12) [APP-277].

10.14. The council's Arboricultural Officer requires further information regarding construction of the piling method to form part of the Detailed AMS along with details on how the piles will be placed in situ, their locations in relation to trees and whether the piles will be placed in sleeves to prevent any toxicity to the rooting areas of trees.

## **Solar PV sites**

10.15. The following is noted:

- Figure 2-2-1: Field Boundaries and Numbering Lime Down Site A – Each of the Solar PV Sites was divided into numbered fields. Lime Down Site A comprises twelve fields A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11 and A12
- Figure 2-2-2: Field Boundaries and Numbering Lime Down Site B – Seven fields are contained within Lime Down Site B comprising B6, B7, B8, B9, B10, B11 and B12
- Figure 2-2-3 Field Boundaries and Numbering Lime Down Site C – Twenty six fields are contained within Lime Down Site C, comprising C1, C5, C6, C7, C8, C9, C10, C11, C12, C13, C14, C15, C16, C17, C18, C19, C21, C22, C23, C29, C30, C31, C32, C33, C34 and C35

- Figure 2-2-4 Field Boundaries and Numbering Lime Down Site D – Twenty-four fields are contained within Lime Down Site D comprising D1, D2, D3, D4, D5, D6, D7, D8, D9, D10, D11, D12, D13, D14, D15, D16, D17, D18, D19, D20, D21, D22, D23 and D24. The BESS is proposed in field parcels D1 and D22.

10.16. It is assumed that permanent access points will be 6.5m width, BESS and substation access will be 6m width, internal tracks will be 3.5m and vehicular passing places will be 6m. The permanent easement for the cables within the Cable Route Corridor will be 10m.

10.17. Further details are required to form part of the Detailed AMS regarding more precise measurements of all access points along with any proposed tree removal considering it is only assumed at this point.

10.18. It is noted in the Outline CEMP (7.12) [APP-277] that Temporary Construction Compounds will be sited outside of the canopy spreads of adjacent trees and woodlands.

10.19. A 242m section of internal access track is proposed within the 15m Ancient Woodland Buffer Zone of North Bincombe Wood in Lime Down Site E. This comprises of an existing gravel track along the northern extent of the woodland. No tree removal is noted as the existing subbase should be preferably retained. If hand excavation and root pruning is required to establish the subbase, several trees on the woodland edge could suffer from loss of fibrous roots.

10.20. No details have been provided within the AIA and AMS with regard to the procedure when root pruning is required. Guidance should be taken from 7.2.2, 7.2.3 and 7.2.4 (noted below) in relation to BS5837:2012. All works should be carried out in compliance with this document, and specifically:

- 7.2.2 Roots, whilst exposed, should immediately be wrapped or covered to prevent desiccation and to protect them from rapid temperature changes. Any wrapping should be removed prior to backfilling, which should take place as soon as possible.
- 7.2.3 Roots smaller than 25mm diameter may be pruned back, making a clean cut with a suitable sharp tool (e.g. bypass secateurs or handsaw), except where they occur in clumps. Roots occurring in clumps or of 25mm diameter and over should be severed only following consultation with an arboriculturist, as such roots might be essential to the tree's health and stability.
- 7.2.4 Prior to backfilling, retained roots should be surrounded with topsoil or uncompacted sharp sand (builders' sand should not be used because of its high salt content, which is toxic to tree roots), or other loose inert granular fill, before soil or other suitable material is

replaced. This material should be free of contaminants and other foreign objects potentially injurious to tree roots.

## **Cable Route Corridor**

- 10.21. The Cable Route Corridor is noted to be approximately 22 km from Lime Down Site D to the existing National Grid Substation in Melksham along with connection to each of the Solar PV Sites. The approximate total area is noted as 463.2 ha. The Cable Route Corridor Order limit is noted to have a width of 50m increasing to 665m in a number of locations to provide space for trenchless construction techniques, temporary construction compounds and to avoid features such as trees, hedgerows and field boundaries.
- 10.22. Outline CEMP (7.12) [APP-277] indicates that where construction must occur within the RPA of trees, ground protection is proposed to be installed to prevent compaction issues. The appropriate type of ground protection will be based on the weight of traffic, pedestrian footfall and reinforced systems for heavy traffic. This should comply with BS5837:2012 Recommendations.
- 10.23. Micro-siting techniques are proposed to minimise root disturbance within the cable route area. If work is carried out within the RPA of trees, guidance and supervision will be undertaken by an Arboricultural Clerk of Works (ACoW). Any excavation should be carried out by hand, this should be in compliance with BS5837:2012.
- 10.24. HDD (Horizontal Directional Drilling) will be used to prevent any damage to roots, a minimum depth of 1m to bypass the majority of roots will be used, especially when roots are normally located in the first 600mm of soil. All HDD machinery is noted to be sited outside the canopies and RPAs of retained trees with the entry and exit points sited more than 15m from tree stems.
- 10.25. For open cut sections, the maximum width of the trench(es) will be 1.7m and the maximum depth of the trenches will be 2m. For trenchless (e.g. HDD) sections, trenchless machinery will typically require an area of 25m x 25m at entry and exit points and the maximum depth of the trenchless solution will typically be 12m. For open cut sections, a permanent easement will be required around the cables whereby no trees may remain in order to avoid root interference with the cables. The location of the permanent easement will be determined post-DCO by the engineering team and will be 10m in width.
- 10.26. Further details are required as part of a Detailed AMS regarding the location of the permanent easement as this will be determined post-DCO.
- 10.27. It is noted that seven temporary construction compound areas have been proposed along the Cable Route Corridor. One of which is located within a 15m Ancient Woodland Buffer Zone of W0001 – Surrendell Wood, south of Parcel C15. There is an existing gravel farm track situated between Surrendell Wood and the outer extents of the ancient woodland's eastern extent. The track has been described as being subject to the use of historical heavy agricultural machinery use which has caused compact issues as a result. It is envisaged

that due to compaction and variances of ground levels between woodland trees, the existing access surface and the outer limits of the proposed Temporary Construction Compound root ingress to the full extent of the 15m buffer zone is considered to be low. The council's Arboricultural Officer has concerns on how the Temporary Construction Compound will be constructed as noted below.

10.28. From looking at the Tree Impact Plans, namely Figure 10-02 Tree Impact Plan Index Sheet, Figure 10-2-04 and Figure 10-2-08, Figure 10-2-09 and Figure 10-2-18, Figure 10-2-11, Figure 10-2-12, Figure 10-2-14, and Figure 10-2-16, the council's Arboricultural Officer can only identify six temporary construction compound areas from the plans provided.

10.29. The council's Arboricultural Officer has concerns about how the Temporary Construction Compounds will be constructed to accommodate parking provisions, loading and unloading areas for plant and materials, storage areas, wheel washing facilities and construction traffic. The Outline Construction Environmental Management Plan (7.12) [APP-277] states the TCC will be sited outside the canopy spreads and RPAs of adjacent trees and woodlands. However, the Tree Impact Plans clearly show some encroachment. The red hatched area on Figure 10-2-11 Tree Impact Plan implies 'possible tree impacts' as shown below.



10.30. Perusing the Outline CTMP (7.22) [APP-287], the council's Arboricultural Officer notes that detailed information and design relating to the laydown and accommodation areas is not yet available. It is assumed that this will be provided as part of the detailed CTMP and detailed design submissions, which will be required for council approval in due course. These details should also be included within the Detailed AMS so that the impact on trees and hedgerows can be fully assessed and considered.

10.31. Tree protection fencing appears to be compliant with BS5837:2012.

10.32. A detailed Arboricultural Method Statement, based on post-DCO detailed design, will be produced prior to construction commencing and will be included within the detailed CEMP.

10.33. The council's Arboricultural Officer requires the following to also be included in the Detailed Arboricultural Method Statement:-

- Details of foundations regarding the BESS along with details of any tree removal or remedial works required;
- Further details of the pile construction for the substations;
- Location of the permanent easement as this will be determined post-DCO.
- More precise measurements of all access points along with any proposed tree removal considering it is only assumed at this point.

## 11. Hydrology, Flood Risk and Drainage Considerations

### Policy Considerations

- 11.1. The Flood Risk Assessment and Drainage Strategy Documents (ES, Vol 3, 6.3 Appendices 11-1 to 11-9 [APP-210 to APP-218] reference the NPPF (2023) and Wiltshire Local Plan Policy 95 (Flood Risk) and Policy 96 (Water Resources)).
- 11.2. The sequential and exception tests appear to have been applied correctly, with solar PV panels and substations located in Flood Zone 1, wherever feasible.
- 11.3. Compliance with climate change allowances (+71% flow uplift for 2080s) is demonstrated using Manning's calculations and NaFRA2 mapping.
- 11.4. However, explicit linkage to Wiltshire Council's Strategic Flood Risk Assessment (SFRA) Level 1 guidance is missing. It is recommended that the emerging Wiltshire SuDS Supplementary Planning Document for runoff control and biodiversity integration is cross-referenced.

### Environmental Assessment Considerations

- 11.5. The area has experienced frequent and significant flooding events. It is considered that the environmental assessment methodology aligns with Environment Agency guidance, including the use of Flood Map for Planning, NaFRA2, LiDAR-based depth estimation, and conservative assumptions for floodplain displacement.
- 11.6. However, there is limited discussion on the combined impacts of the cable connection route and the solar sites during construction within the cumulative assessment. Therefore, it is recommended that a temporary works risk assessment is included so that this matter can be fully discussed in the examination.
- 11.7. With regards to residual effects, the Flood Risk Assessment concludes that there is a Negligible to Low risk from all sources. This conclusion is not disputed subject to embedded mitigation.

11.8. However, there is a need to strengthen the commitment to maintain 8m easements around watercourses and confirmation of the use of HDD for sensitive crossings.

### **Draft DCO and Control Document Considerations**

11.9. The Requirements in the draft DCO [APP-016] should include a Requirement for the LPA to formally approve the detailed design and methodology for HDD watercourse crossings.

11.10. The final design drawings should also include GIS-based flood risk mapping for clarity.

11.11. Compliance with the Wiltshire LLFA guidance on SuDS and runoff rates should also be secured.

11.12. The outline Construction Environmental Management Plan (7.12) [APP-277] includes flood risk protocols, but explicit reference to EA Floodline registration for maintenance teams is required. The flood risk emergency protocols should also be detailed.

11.13. Explicit reference to floodplain compensation principles, even if impact negligible, is required for transparency.

11.14. It is also considered that groundwater levels in SPZ areas should be monitored during construction.

11.15. Furthermore, it is noted that there is no formal drainage proposed for the cable connection route within the Drainage Strategy. Whilst this is acceptable given the subsurface design, the runoff control for compounds and access tracks require confirmation.

11.16. The outline Landscape and Ecological Management Plan (7.18) [APP-283] supports riparian buffer planting. However, it is recommended that this is integrated with SuDS features for biodiversity gain.

11.17. The Applicant is encouraged to undertake early engagement with Wiltshire LLFA for discharge of flood risk-related Requirements.

## **12. Built Heritage Considerations**

### **Policy Considerations**

12.1. ES Vol 1, 6.1 Chapter 12 Cultural Heritage [APP-064] references expected legislation and guidance and, in the council's Conservation Officer's opinion, demonstrates a proportionate and informed approach to assessing and mitigating impacts on designated and non-designated built heritage assets.

## Environmental Assessment Considerations

### 12.2. The assessment methodology::

- Follows guidance from Historic England, including GPA Notes 2 (*Managing Significance in Decision Taking*) and 3 (*The Setting of Heritage Assets*), Advice Notes 12 (Statements of Heritage Significance) and 15 (Commercial Renewable Energy Development), and the Conservation Principles.
- The Zol and Study Area are informed by ZTVs, site visits, and professional judgement.
- The assessment includes a Statement of Heritage Significance [ES Vol 3, 6.3 Appendix 12-1: Heritage Statement [APP-219] and uses a clear matrix to determine sensitivity, magnitude of effect, and significance of impact.
- The methodology is proportionate and reflects consultation with statutory consultees, including Historic England and Wiltshire Council.

12.3. The council's Conservation Officer was consulted on the scoping exercise to determine the assets to be scoped in for assessment. Where the council suggested additional assets for inclusion, these were included and the officer considers that based on the information presented, there are no major gaps evident in the approach.

12.4. The assessment of heritage significance appears thorough and, although there is inevitably a high reliance on intervisibility and perhaps less focus on historic (such as functional and landholding / ownership connections) and experiential and intangible values such as tranquillity and sense of place, in such cases where assessment of a very high number of assets is required, these are considered in more detail in appropriate circumstances based on professional judgment. For example, in the case of some of the farms where there is a greater likelihood of historic connection.

12.5. Therefore, it is considered that the assessments are generally well-reasoned and supported by evidence:

- All impacts to built heritage assets (designated and non-designated) are assessed as less than substantial harm, typically at the lower end.
- The ES, Vol 1, 6.1 Chapter 12: Cultural Heritage [APP-064] acknowledges Historic England's concerns about Bradfield Manor and responds with design refinements and embedded mitigation.
- The significance of effects is clearly distinguished from NPS-defined harm, with professional judgement used to bridge terminology.

12.6. However, a couple of examples, which are considered to be omissions or slight differences of opinion in terms of the level of impact of the proposals on

individual assets were noticed within the assessment tables contained within the Heritage Statement [APP-219]. Examples include:

- Rodbourne Conservation Area – The potential impact on setting from the highway improvement area has not been assessed;
- Townleaze Barn non-designated heritage asset – It is not clear why harm is identified here when there are arguably other assets which are affected to a greater extent for which the impact is considered to be neutral;
- Farleaze Farm – The potential impact from Lime Down Site D does not appear to have been assessed. It is unclear how the situation differs significantly from Surrendell Farm, where less than substantial harm has been identified.

12.7. Whilst the commentary around these particular decisions could be enhanced, the council's Conservation Officer does not consider that they would result in any new instances of significant harm and therefore would have no impact on the overall conclusions reached. Therefore, overall, the conclusions are considered to be credible. More explicit use of photomontages or verified visualisations might have been useful to support the setting assessments but, taking into account the largely low level of residual impact, the decision not to undertake these is understood.

12.8. In response to concerns raised by Historic England, further assessment was carried out in respect of Bradfield Manor and it is understood that a joint internal site visit was undertaken. There is reference in the Heritage Statement [APP-219] to the findings, but the relevant Appendix is restricted to a single plan / cross section detail with no additional commentary or discussion. Therefore, the Heritage Statement could benefit from a more detailed justification for concluding the harm is "less than substantial" and "not significant" in EIA terms.

12.9. The Grade I listed manor's core is a 15th-century hall, with later additions including a 17th-century parlour block designed to take advantage of views over the surrounding estate including land to be occupied by the site which was formerly within the manor's ownership. The site section suggests that the solar arrays in the adjacent fields and the BESS (Battery Energy Storage System) and substation are likely to be visible from the upper floors, including the parlour block, altering the character of the landscape. Historic England have suggested that "Photographs taken during the visit could usefully inform accurate visualisations of the worst-case scenario (i.e. panels at maximum height), helping assess the impact on views from the manor. The council recommends these are used to explore potential refinements to the scheme layout to reduce or avoid harm."

12.10. The council's Conservation Officer agrees that the following could enhance confidence in the final assessment:

- Upper-storey views from the farmhouse (especially the three-storey parlour block) – currently acknowledged but not fully analysed.
- Photomontages or wireframes from key viewpoints would help illustrate intervisibility and support the conclusion of “less than substantial harm.”
- Discussion around seasonal variation and length of time to reach maturity (e.g. leaf-off conditions) should be modelled to assess screening effectiveness year-round. The section suggests that the proposed ‘woodland block’ mitigation will only be effective in screening views of the BESS at maturity circa 15 years.

12.11. Furthermore, it is noted that the embedded mitigation proposed is generally extensive and includes:

- Removal of panels from sensitive fields.
- Setbacks and offsets from PRoWs and hedgerows.
- Landscape screening and hedgerow/individual tree reinforcement.
- Construction traffic routing to avoid roadside heritage features.

12.12. Additional mitigation is not proposed for built heritage, and this seems reasonable given the low level of residual harm. However, dependent on the final assessments noted above, further refinement may be required for Bradfield Manor where additional screening or layout changes could be explored to reduce visibility from upper floors.

12.13. The council’s Conservation Officer also suggests that additional mitigation could be considered to limit the impact of the Highway Improvement Area on the character and appearance of Rodbourne Conservation Area. This might include commitments to reinstatement of the rural character of the track and junction following construction or, if similar vehicular access is required during the operational phase, at decommissioning.

12.14. However, a general omission is the lack of provision for mitigation monitoring and adaptation. While mitigation is well described (e.g. woodland belts, hedgerow enhancement), there is no plan for:

- Monitoring effectiveness post-construction, or
- Adaptive management if screening proves insufficient.

12.15. With regard to the assessment for cumulative / in-combination effects, the assessment methodology and need for professional judgement were discussed post statutory consultation stage and the cumulative assessment now appears proportionate:

- It considers intervisibility, setting, and temporal overlap with nearby developments.

- The ES, Vol 1, 6.1 Chapter 12: Cultural Heritage [APP-064] concludes that no significant cumulative effects arise for built heritage assets.
- The in-combination assessment with other environmental topics (e.g. noise, landscape) finds no new or greater effects.

12.16. Therefore, this conclusion is supported by the evidence and consultation responses.

12.17. Furthermore, it is considered that the residual effects are appropriately assessed:

- For built heritage, residual effects are Neutral to Minor / Moderate Adverse, and not significant in EIA terms.
- The ES Vol 1, 6.1 Chapter 12: Cultural Heritage [APP-064] clearly distinguishes between EIA significance and NPS-defined harm and uses professional judgement to reconcile the two.
- The mitigation measures are generally sufficient to reduce impacts to an acceptable level.

12.18. However, further details remain to be provided to allow more certainty in respect of the final impact on Bradfield Manor. Also, in the instance of the Setting of Rodbourne Conservation Area, the council's Conservation Officer suggests that additional mitigation could be beneficial post-construction phase to reinstate the rural / agricultural character of the track access to Lime Down Site E and limit the impact on the rural character and appearance of the approach to the conservation area, as this is of importance to its significance.

### **Draft DCO and Control Document Considerations**

12.19. It is noted that the outline construction strategies etc., do not include specific references to the built historic environment over and above the provision of the proposed embedded mitigation as no additional mitigation is proposed. Whilst, the council has no objection to this approach, as noted above, provision should be made for mitigation monitoring and adaptation. This should include monitoring effectiveness post-construction and / or adaptative management, if screening provides insufficient.

12.20. The outline Construction Traffic Management Plan (oCTMP) (7.22) [APP-287] identifies the potential issue for built heritage assets as being the risk of swipes and strikes to assets located directly adjacent to roads. Routes have been designed to minimise potential for impact and the oCTMP includes provisions for monitoring and mitigating the impact of construction traffic on the local highway network and adjacent heritage assets. However, clarity is required as to how any issues will be picked up and resolved if or when they occur.

12.21. Whilst it is noted that the oCTMP doesn't explicitly refer explicitly and separately to heritage asset protection, the following measures would indirectly protect roadside features:

- Historic kerbs and designated milestones are to be avoided during construction traffic movements;
- Any temporarily removed street furniture will be reinstated;
- Vegetation management (e.g., trimming to maintain visibility splays) is planned with sensitivity to ecological and heritage contexts.

12.22. Within the draft DCO, it is noted that there are no designated or non-designated built heritage assets within the limits of the Order itself, and it is assumed that this would be the same for the cable connection route when finalised. Therefore, the risk to built heritage is less than some of the other issues being considered. The draft DCO does, however, allow for development that may have some indirect impacts on assets nearby, particularly through changes to setting, views and construction-related disturbance.

12.23. These are intended to be addressed through:

- Environmental mitigation secured via the Landscape and Ecological Management Plan (LEMP) [APP-283]; and the
- Design Principles and Parameters (7.4) [APP-269)

12.24. The draft DCO ensures that the council, as LPA, will retain approval rights over key documents.

12.25. There is no disapplication of heritage legislation proposed via the draft DCO (i.e. the protective measures included within the Planning (Listed Buildings and Conservation Areas) Act 1990) and any direct impact on listed buildings or conservation areas would require separate consent. For example, in the case of a requirement to move a listed milestone to facilitate access or in the event of the need for repairs to a building harmed during the transport of large loads through the surrounding area. There also seems to be provisions included for making good any damage to boundary landscaping etc. on adjacent private land, should this be harmed.

12.26. On this basis, it seems that the protection for built heritage should be maintained and addressed in an appropriate manner without requirement for additional provisions.

## 13. Archaeology Considerations

### Policy Considerations

13.1. To date, the archaeological consultants to the Applicant have mostly complied with planning policy requirements in that they have presented well-produced desk-based assessment documents, along with reports on the results of

geophysical surveys and trial trench evaluations. However, the report on the trial trenching is yet to be fully completed, with only summary reports presented to date. A full report on the results of the trial trenching will be required during the course of the examination and prior to the determination of the application by the Secretary of State.

## **Environmental Assessment Considerations**

- 13.2. Much of the documentation that has been submitted regarding archaeology covers work that Wiltshire Council Archaeology Service (WCAS) has already considered and approved. This includes the Desk-Based Assessments for the solar farm itself and the cable route, along with the subsequent geophysical survey of both the solar farm and the cable route, together with the trial trench evaluation of the solar farm. To this end, WCAS have no comment to make on these documents beyond the previous feedback that has been submitted, which is to approve the desk-based assessments and to welcome the results of the geophysical survey of the solar farm that has added significantly to the council's knowledge of the later prehistoric and Roman periods in this part of the county. The geophysical survey of the proposed cable connection route will need to be completed, and a report submitted to WCAS for review and approval prior to approval of the scheme.
- 13.3. Based on the results of the fieldwork that has been carried out to date, WCAS consider that, while there are many significant areas of archaeological activity, there are no heritage assets located within the solar park or the proposed cable connection route that would prove to be an overriding constraint to the development, subject to an agreed programme of archaeological mitigation. The impact of the scheme upon those archaeological sites that have been identified will be mitigated either via scoping out of the scheme altogether, or via archaeological excavation, or via non-intrusive construction methodologies. To this end, WCAS concur with the conclusion in Table 22-1 Summary of Significant Residual Effects in ES Vol 1, 6.1 Chapter 22 Summary of Residual Effects [APP-074] that '*No significant residual effects on cultural heritage are predicted during the construction of the Scheme*'.
- 13.4. WCAS are pleased to note that two archaeological sites, namely B12-01 and D6-01 will be scoped out of the development (Table 22-2 Summary of Significant Residual Effects (Operation and Maintenance) [APP-074]. However, if further sites can be scoped out of the proposed development area, then this would be regarded as the ideal mitigation strategy and is something that the council will be trying to secure during the examination.
- 13.5. It is noted that Table 22-3 Summary of Significant Residual Effects (Decommissioning) [APP-074] states that: '*No significant residual effects on cultural heritage are predicted during the decommissioning of the Scheme*.' As decommissioning is many decades in the future, WCAS cannot see how such a statement can be made with any confidence. While the ES, Vol 3, 6.3 Appendix 12-6 Outline Archaeological Mitigation Strategy [APP-230] makes hopeful statements regarding agreeing a suitable strategy between future parties, it is unclear as to who these bodies will be and what powers they will

have to enforce any future strategies. As a result, WCAS would prefer to see a more neutral statement here that reflects these uncertainties.

- 13.6. A significant amount of sub-surface archaeological remains will be impacted by the scheme and many have been discovered during the evaluation phase. Progress is being made on agreeing a programme of mitigation for these remains. However, there is a significant amount of outstanding information that WCAS requires before the determination of this proposed development, and before the council are satisfied with a final mitigation strategy. This information includes the full geophysics results, the final evaluation report and a detailed DAMS.

### **Draft DCO and Control Document Considerations**

- 13.7. A final and detailed report on the trial trenching of the solar park is yet to be presented to WCAS for review and approval. WCAS would expect to reach this stage before considering any work to mitigate the likely impacts of the proposals upon the archaeological resource. A report on the geophysical survey of the cable route is also awaited. WCAS would therefore wish to see the full and final version of both the evaluation report and the geophysical survey of the cable route submitted to, and approved by, WCAS prior to the determination of the application.
- 13.8. The Applicant's archaeological consultants, Lanpro, have produced a document entitled Outline Archaeological Mitigation Strategy [APP-230], which is based on the preliminary results of the trial trenching and the partial results of the geophysical survey of the cable route. WCAS are concerned that a Detailed Archaeological Mitigation Strategy (DAMS) has not been submitted as part of the DCO application with the supporting documentation. Whilst it is realised that this is the result of the incomplete nature of the trial trench report and the geophysical survey of the cable connection route, it is vital that a DAMS is submitted and approved by WCAS prior to the determination of the application. Therefore, the completion of the report and the survey is paramount at this stage.
- 13.9. The Outline Mitigation Strategy [APP-230] states that there are three proposed mitigation responses.
  - Scoping complex archaeological sites out of the development altogether,
  - Strip, Map and Record excavations of significant and sensitive sites
  - 'Non-intrusive' construction methodologies to avoid impacting archaeological sites and features
- 13.10. WCAS welcome the scoping out of as many archaeological sites that have been identified by the geophysical survey as possible. If this can be extended to other sites following review of the available data, then this should be encouraged. WCAS also wish to see Archaeological Management Plans (AMPs) submitted, either by the archaeological consultants to the Applicant, or

the archaeological contractors on the ground. The AMPs will set out methodologies to be followed to protect archaeological sites during the construction, operational and decommissioning phases of the proposed development. These AMPs will have to be reviewed and approved by Wiltshire Council and secured via condition.

13.11. Strip, Map and Record (SMR) excavations are required by WCAS. The precise methodologies to be employed by these investigations need to be established in the DAMS and in the Site-Specific Written Schemes of Investigation (SSWSIs) that will need to be prepared ahead of each excavation. The creation of SSWSIs is discussed in Section 14 of this document, but it is unclear who will prepare them. The SSWSIs will need to be approved by the WCAS, and it needs to be made clear which organisation will be preparing and submitting these. WCAS have assumed that Lanpro see this as their role, although the council would insist that the appointed archaeological contractor (who is carrying out the fieldwork) produce them. SSWSIs will then need to be reviewed and approved by WCAS prior to the commencement of work.

13.12. The 'non-intrusive' methodologies are not discussed in detail in the document, although they seem to be divided between the careful positioning of panels away from isolated features such as ring ditches, enclosure ditches and field boundaries, or the use of concrete feet, set upon topsoil. WCAS are not in favour of the latter as it is considered that is too much risk for impacts upon sub-surface archaeology from construction directly over it without suitable mitigation. WCAS would wish to see panels located away from features in these circumstances so that any impact can be avoided. The precise nature of 'non-intrusive' mitigation will need to be determined on a site-by-site basis during the preparation, review, and approval of the SSWSIs.

13.13. As noted above, the cable connection route has only been partially investigated by a geophysical survey due to land access issues. It is stated the remainder of the survey will be carried out this autumn (which has already passed) and a DAMS will need to be prepared once this work has been completed. It is therefore problematic to comment on the cabling strategy when much of the data is still to be assembled, and mitigation targets identified. This situation is reflected in the rather nebulous mitigation programme put forward for this part of the proposed development, although the commitment to SMR excavations of significant sites is welcomed. The proposed option of directly drilling beneath the most significant sites may be appropriate in some circumstances, but this option will need to be explored in more detail.

13.14. Regarding specific paragraphs in the Outline Mitigation Strategy [APP-230]:

- Paragraph 5.1.3 – WCAS would wish to see their own document '*Standards and Guidance for Archaeological Assessment and Fieldwork in Wiltshire and Swindon Borough*' included among the standards used to prepare SSWSIs.
- Paragraph 7.7.2 – WCAS notes and welcomes the statement where the Outline Mitigation Strategy commits the archaeological contractor to

excavating all archaeological deposits and fills down to the natural substrate.

- Paragraph 7.11.1 – WCAS welcomes the commitment to a continuous review of strategies to be followed on site.
- Paragraph 7.11.4 – The document states that Lanpro and the appointed archaeological contractor can determine if an on-site strategy is unsuitable and if it can be changed or adapted. WCAS should be the body that can instigate, and will determine the need for, such reviews.
- Paragraph 11.1 – Before any site archives are deposited with a receiving museum, a written commitment must be given in the SSWSI for the archaeological contractor, the consultant or their client to meet any box fees required by the receiving museum.

13.15. WCAS also require revisions to Table 6.1.1: Archaeological Mitigation Strategies [APP-230]:

- A7-01 – A SMR excavation will be required for this site
- Sites B6-01 and B9-01 appear to be very similar, only the former has been earmarked for non-intrusive works, while the latter has been marked for SMR excavation. Clarity is required on why these two sites are seen differently
- C5-01 – A SMR excavation will be required for this site
- C30-01 – A SMR excavation will be required for this site
- C11-01 – A SMR excavation will be required for this site
- C36-02 – A SMR excavation will be required for this site
- C14-01 – This ring ditch should be avoided altogether, or a SMR excavation should be carried out
- C13-01 – There is no need for a SMR excavation here
- D20-01 – This site is not a ring ditch as described in Table 6.1.1, it is a square enclosure
- D1-02 – No information has been provided on this site
- D3-01 – This ring ditch should be avoided altogether, or a SMR excavation should be carried out
- D6-01 – A SMR excavation will be required for this site
- D6-02 – A SMR excavation will be required for this site
- E14-01 – This ring ditch should be avoided altogether, or a SMR excavation should be carried out
- E14-02 – A SMR excavation will be required for this site
- E20-01 – This ring ditch should be avoided altogether, or a SMR excavation should be carried out.

13.16. Additionally, a written programme of archaeological investigation, which should include on-site and off-site work such as the analysis, publishing and archiving

of the results, should be submitted to and approved by the Local Planning Authority.

13.17. Furthermore, WCAS will require a document to be prepared that commits the Applicant to, and sets out a methodology and timetable for, a programme of public engagement and educational events to run in tandem with the mitigation works. This is due to the amount of archaeological mitigation works that will be required, and to contribute to the publication benefit of the development (NPPF paragraph 218). This document will need to be approved by WCAS and secured by condition.

## 14. Highways and Transport Considerations

- 14.1. The following statement provides a summary of the main highway concerns with the Draft DCO provisions and potential network impacts associated with the increased HGV trafficking during the construction phase.
- 14.2. The detailed review of individual application documents is contained in Appendix A.

### Draft DCO Provisions

- 14.3. The council's Highways Development Management officer remains concerned over the ability of the Council to control works being undertaken within the public highway, notably its normal powers to assure that proposed site access and other construction works will meet the council's adoptable standard. In the Applicant's response to the council's comments on the Draft DCO, it is stated in response to the need for s278 Agreement and due process in respect of Article 10 that: *"A separate agreement will not be necessary as the undertaker's powers relating to the alteration of streets are conveyed by Article 10 of the DCO as opposed to the Highways Act 1980 ("HA 1980"). Any agreement with the street authority would therefore be pursuant to Article 15 of the DCO and not section 278 of the HA 1980. It should be noted however that Article 15 and section 278 address the same aspects of design approval, bond and sign off"*. However, review of DCO Article 15 states in (1) that *"A street authority and the undertaker may enter into agreements"*. The concern is the use of the word 'may', which suggests that the undertaker is not bound or required to do so.
- 14.4. Article 10(4) [APP-016] further states that *"The powers conferred by paragraph (2) may not be exercised without the consent of the street authority, such consent to be in a form reasonably required by the street authority"*. It is the council's Highways Development Management officer's view that the form of consent should include the council's 'requirement' for an agreement under Article 15, with clause provision within this of similar form to the council's standard s278 agreement template.
- 14.5. Article 14 implies that approval by the highway authority is only required for new access locations proposed beyond those set out in Schedule 7, Parts 1 and 2 [APP-016]. In short, all the accesses in Schedule 7, whether permanent or

temporary, are seemingly deemed approved in at least principle under powers conferred in Article 14. The Applicant's response to the request for an amendment to require technical approval by the Council stated: "*Technical approval by the Council is not required as the permanent and temporary means of access set out in Part 1 and Part 2 of Schedule 7 respectively are approved by Article 14. Access works however would be secured through the discharge of the Construction Traffic Management Plan ("CTMP") via Requirement 15 which requires approval from the Council prior to the commencement of the Scheme*". Section 2.3 of the oCTMP [APP-287] 'Detailed Design' states in part that: "*Prior to carrying out a work to the public highway, the detailed design of such works must be submitted to the highway authority for approval*". This goes on to say that this will include, in part, a construction programme for the works, a method statement, any traffic management proposals, detailed technical drawings and a Stage 1-2 RSA. Whilst this is welcomed, it is not considered a substitute for 'requiring' bespoke highway agreements under Article 15 of the DCO for 'all' works undertaken within the public highway. These agreements should subsume the technical approval requirement of all drawings and allied documentation for the design of the permanent highway works anyway, which should not be a CTMP matter. Furthermore, formal agreements are needed to additionally be put in place, for example, Bond requirements, suitable indemnity provision for Wiltshire Council against claims arising from the undertakers works on the highway and provision for Wiltshire Council inspection / works sign-off during construction including supervision fees. None of that is covered in the oCTMP.

### **HGV Construction Routes and Two-Way Passage – Extent of HIAs**

- 14.6. ES Vol 1, 6.1 Chapter 3 The Scheme [APP-055] and expressly paragraphs 3.3.7.2 and 3.3.7.3 under 'Highway Improvements Areas' (HIA) state that: "*Highway improvements will be made to facilitate construction. The Highway Improvement Areas are shown in ES Volume 2, Figure 3-2: Key Construction Phase Features [EN010168/APP/6.2]*" and "*Works within the Highway Improvement Areas comprise modifications to the existing highway such as improvements to road edge where it is deteriorated, minor works to enable construction vehicle movements such as provision of passing places within the existing highway boundary, traffic management measures and provision of visibility splays*". However, these HIA subsumed within Works Numbers 8A or 8B appear to exclude any deemed need for improvements along key minor road lengths providing primary access to Lime Down Sites A-C and D.
- 14.7. Annex H to the ES Vol 3, 6.3 Appendix 13-1 Transport Assessment [APP-233] shows the 'Construction Route Swept Path Analysis' for all the minor road lengths serving as HGV construction routes. These show the swept path analysis 'passage' for a 16.5m articulated HGV and an estate car. Examination of the Lime Down Site D access route between Dyson Roundabout and Bradfield Cottages indicates that the existing carriageway width is, for the most part, only able to pass an HGV and a car. Furthermore, parts of the route do not even accommodate this, requiring one driver to wait in a suitable location to allow passage of the other through the 'narrowed' sections. Some of these restricted passage sections appear quite long, as indicated by the intervisibility

distances shown between passing points. No part of the route has been assessed for passing opportunity for two opposing HGVs, which given the level of predicted HGV trafficking associated with Lime Down area D is a very real concern. Table 13-12 in the Transport Assessment (Table 13-20 in the ES) shows a predicted 76 HGV movements per day on this route, whilst background flows at Location 12 'Bradfield Cottages' indicate daily vehicle flows of 1,396 with an HGV content of 3.3% (46). In view of the existing flows and predicted HGV movements during the construction of Lime Down D it cannot be assumed that a need for 2-way HGV passage will not be needed along this length of access route, or indeed that this will be an infrequent occurrence despite best efforts in coordinating the timings for arriving and exiting HGVs.

- 14.8. The same HGV / car swept path analysis is presented for the access route between Fosse Way and Lime Down Site A. Whilst the expected daily HGV movements associated with Lime Down Site A and background HGV flows along this length of minor road are much reduced, it would still be useful to understand what level of constraint exists to 2-way HGV passage.
- 14.9. Finally, HGV / car swept path passage analysis are presented for Alderton Road and Fosse Way, noting the former and a part of Fosse Way is indicated as a Highway Improvement Area. However, it remains unclear what improvement works are proposed based on the analysis. It is again noted that significant parts of the route sections are narrow and unable to pass an HGV / car, so relying on opposing driver inter-visibility through the lengths of narrowing. Given this part of the highway network will be required to accommodate the HGV trafficking associated with Lime Down Sites A-C, there is a concern that no assessment has been done to consider passage opportunities for two opposing HGVs. Some of the inter-visibility distances measured between possible passing points are quite long and, in some cases, up to 215m, which is a concern albeit the alignment being relatively straight for the most part along Fosse Way. Fosse Way typically has flat mown verges either side of its relatively narrow carriageway, so the risk of over-run damage with only moderate levels of increased HGV trafficking could be significant. However, as no analyses examining 2-way HGV passage opportunity has been undertaken, it is not currently known whether two HGVs could pass anywhere along the length of Fosse Way without over-riding / damaging the grass verges.
- 14.10. In short, the concerns based on the analysis now submitted are firstly potential highway operating and safety issues associated with an inability to pass two HGVs on these minor routes, notably as the existing passing point opportunities have not even been assessed or any mitigation proposed. Secondly, the highway damage consequences of this where verges are regularly over-run, which as the analysis shows, could happen with HGV / car passage along many sections where the carriageway width is inadequate to accommodate even this.

### **HGV Volumes – Solar Farm Sites (Construction Phase)**

- 14.11. Annex E to ES Vol 3, 6.3 Appendix 13-1 Transport Assessment [APP-233] shows the 'Solar PV Sites Trip Generation Calculations' for the construction phase, so as requested in past comments on the 'Scoping Note', the under-

riding assumptions used in determining the HGV types and numbers set out in Table 13-12 in the Transport Assessment (Table 13-20 in the ES). However, the Annex E information shown in respect of HGVs still provides no specific assessed quantities of material volumes and component type / numbers for 'each' Lime Down Site and based on 'average' loadings, how this translates to the predicted HGV numbers and types shown in Table 13.12. The Transport Assessment main text provides no explanatory information on the calculations included in Annex E, whilst the spreadsheet printouts themselves provide no notes. The calculations undertaken for Modules and Mounting Structures for each Lime Down Site are set out, but it is unclear what the 1.2 'Ratio' figure used represents but assumed to be a reduced loading factor per HGV. This must be clarified rather than being left to assumption. Aggregate volumes are not determined on a Lime Down site-by-site basis, so are difficult to assess in a confident manner. It is further noted the 'waste' calculation accounts for only removal of packaging, so excludes any allowance for removal of excavated material associated with the construction of the access trackways and the foundation bases for the BESS and 440kV and 132KV substations. This could be a significant amount of off-site disposal of spoil, unless it is being assumed that all excavated material is reused on site or transported offsite as required in the same tippers used for the incoming supply of aggregate. However, nothing is stated so this does need clarifying.

## **Streetworks**

14.12 Under the New Roads and Street Works Act 1991 (NRSWA), a Section 50 Licence is required for the Applicant to place, retain, or work on apparatus in the public highway. This includes activities such as breaking up or opening the street, installing ducts, cables, pipes, or other infrastructure.

14.13 In this case, the Council's Highway Officers have considered the submitted documents have raised the following queries and observations:

- 2.2 Land Plan [APP-006]. It is unclear what specific works are being carried out at each highway location. All works on the highway will need to be assessed by the network management team and the appropriate licences and permits approved before any works commence. The level of reinstatement will also need to be agreed.
- 2.3 Works Plan [APP-007]. As above, specifics are needed.
- 2.4 Streets Plan [APP-008]. Key on drawing states "street works / street subject to traffic regulation measures". However, it is unclear exactly what traffic regulation measures are referred to here.
- 2.6 Access Plan [APP-010]. It is unclear whether the accesses are temporary, permanent or semi-permanent. Clarity is required as to how long they will be in place. Clarity is also required as to what licence or agreement will be used to allow a vehicle crossover if there is no access already in place.

- ES Vol 1, 6.1 Chapter 3 The Scheme [APP-055]. Section 3.4.11 (the construction of the joint bays) states “joint bays would be approximately 20 m by 6 m dependant on ground conditions”. This is extremely large and would require a form of positive Traffic Management, possibly road closures. Clarity is required as to how many of these pits are required on the highway network.
- ES Vol 2, 6.2 Figure 2-4-1 to 2-4-9 Public Rights of Way and Highways [APP-080]. (Map showing corridor). It is unclear whether the cable can be placed in the highway where desired. Clarity is required as to whether the appropriate surveys been undertaken to ensure no conflicts with other apparatus.
- ES Vol 2, 6.2 Figure 13-2 Study Area: Cable Route Corridor [APP-147]. As per the previous comments above, clarity is required as to what specific works are being carried out at each highway location. All works on the highway will need to be assessed by the network management team and the appropriate licences and permits approved before any works commence. The level of reinstatement will also need to be agreed. Clarity is also required with regards to the construction compounds, and whether the accesses are temporary, permanent or semi-permanent. It is also unclear as to how long will they be in place and what licence or agreement will be used to allow a vehicle crossover if there is no access already in place.
- ES Vol 2, 6.2 Figure 13-5 Abnormal Load Routes – Solar PV Sites [APP-150]. Any abnormal loads travelling on the Wiltshire network will need to notify streetworks and follow Wiltshire Councils abnormal loads procedure.
- ES Vol 2, 6.2 Figure 13-9 Traffic Survey Locations: Solar PV Sites [APP-154] and Figure 13-10 Traffic Survey Locations: Cable Route Corridor [APP-155]. Clarity is required on the traffic count results and where they are published.
- ES Vol 3, 6.3 Appendix 3-2 Cable Route Construction Method Statement [APP-183]. The construction programme for cabling on the highway will need to be shared with the council’s streetworks team.
- ES Vol 3, 6.3 Appendix 13-1 Transport Assessment [APP-233]. Any temporary signage for construction traffic will need to be approved by Wiltshire Council area office.
- 7.7 Consents and Agreements Position Statement [APP-272]. Wiltshire Council permit scheme must be used to ensure the council can perform our statutory duties and manage the network.
- 7.12 Outline Construction Environmental Management Plan [APP-277]. Wiltshire Council will need to see the construction programme for all

works on the public highway. Traffic management plans will need to be presented to the streetworks team for approval.

- 7.22 Outline Construction Traffic Management Plan [APP-287]. With regards to the new accesses for the cable route corridor, if agreed, these new accesses must be constructed to Wiltshire Council specification. Any work on the highway will need the necessary permits and / or licences. Furthermore, all traffic management erected on public highway will need to be agreed with the streetworks team prior to use.

14.14 The council's Highway Officer has also considered the draft Development Consent Order [APP-016] and makes the following comments:

- The council is concerned that the DCO will effectively overwrite genuine concerns at how the Applicant will interact with the council and affect its Network Management Duties under Section 16 of the Traffic Management Act 2004 and the requirements of the Road Traffic Regulation Act 1994.
- Under Part 3(8), it appears to suggest a permanent overwriting of existing legislation and duties. The council requires an explanation and / or confirmation that the DCO intends an overwriting of the existing legislation for the entire duration of development's operation.
- There does not appear to be any reference in the draft DCO to inspecting the works which are set out in the Streetworks Works (Inspection Fees) Regulations 2022. The highway being worked upon will remain the Council's asset and it must be ensured that it is reinstated to the standards set out in the Specification and Reinstatement of Opening in the Highway (SROH) through inspection. A number of inspection units must therefore be agreed.
- Part 3(9) – It is accepted that Section 58 protections will cause problems, but they do not necessarily prevent the works from going ahead, they are used to assist the council in finding an appropriate solution to protect the public purse and the highway asset. Such work arounds can include full width and half width reinstatements.
- Part 3(12) – The draft DCO appears to require a decision on Temporary Traffic Regulation Order (TTRO) applications in 4 weeks. This is considered unreasonably short and conflicts with the national standard and codes of practice for making TTRO's, which is 12 weeks, thereby reflecting the complicated nature of the process. Similarly, there appears to be no capacity to agree a longer period of time if needed. Whilst there may be the opportunity to have these TTRO's brought forward in a shorter timeframe from the national standard (should the network be available and it suits all parties), with the correct planning

and agreement on the construction programme, 12 weeks is more than adequate to plan in advance.

- Part 3(16) - The provisions set out in this section conflict with existing legislative requirements and set unreasonably short timescales for measures of publicity and agreement.

## 15. Public Rights of Ways (PROW) Considerations

- 15.1. It is considered that this development, whilst providing additional permissive paths, will place additional pressure on the surrounding Public Rights of Way, which the public will use in greater numbers if they want to enjoy the countryside without walking amongst the panels.
- 15.2. The council requests that a contribution of £20,000 per annum is provided for the improvement and enhancement of the Public Rights of Way network. This contribution should be index linked and provided each year to the council. Some improvements to the PROW network may involve a compensation payment to landowners, so the money should be able to be rolled over every year to allow improvements which cost more than £20,000 to be undertaken. It is suggested that in years 1-20 of operation, improvements are targeted on footpaths starting within 2km of the red line boundary (excluding the cable connection route) and within 3km of other routes of Public Access starting. In years 20-40, this should be increased to encompass footpaths starting within 3km of the development's red line boundary and other route of public access starting within 4km (excluding the CRC). In years 40-60, this should be increased to encompass footpaths starting within 4km of the sites red line and other routes of public access starting within 5km (excluding the CRC). All contributions to be spent within 5 years of the site being decommissioned, or they are to be returned. If the scheme is at any point granted an extension to its life span, then the arrangement should continue and follow on for the length of the new agreement. If an extension is granted, then the area in which the funding can be spent should be increased by a further 1km for every additional 10 years.

### PROW General Principles

- 15.3. All stiles should be removed from within the red line boundary. Any structures that are required for the control of livestock should be the least restrictive option for all structures and gaps will need to comply with BS 5709:2018. Maintenance will need to be planned to make sure that the structures remain compliant with BS 5709:2018.
- 15.4. All structures (both existing and new) within the red line will need to be authorised by the highway authority. They will need to be either included within the definitive statement for the path, or they will need to have a 147 authorisation under the Highways Act 1980. If the structure is required to

safeguard the public, then these will need to be authorised under section 66 of the Highways Act 1980.

- 15.5. The Applicant should ensure that all Public Rights of Way are signed, and way marked through the development.
- 15.6. The Applicant should make sure that all existing ditch crossing are improved so that a minimum usable width of 1.2m is available. Where possible, culverts should be installed to provide the safest and most accessible crossing available for users. These should also limit the failures that can arise with sleeper bridges and the washout that can occur of the Armco bridges. It is considered that this should improve the availability of the network.
- 15.7. The Applicant should provide a point of contact, with details, to Wiltshire's Countryside Access Team for the site's managers so that issues can be resolved quickly. Any changes to these contact details should be notified to the Countryside Access Team within 14 days. It is considered that it may also be beneficial to hold 2 meetings a year to discuss access matters and monitor the use of the permissive paths. It may also be beneficial to open these meetings up to representatives from the user groups and Parish Councillors, where there are specific Public Access issues. If it's felt that these are no longer required, then it could be agreed that they are ceased. However, it is felt that they might be useful during construction and the early years of the scheme.

### **PROW Network Improvements**

- 15.8. It is proposed that within two years of consent being granted, Wiltshire Council's Rights of Way team will have surveyed all the Public Rights of Way within 4 kilometres of Lime Down Sites A, B, C, D and E. Following this, a list of improvements will be suggested, and funding applications submitted to the scheme's Community Benefit Fund as further funding will be required to undertake these improvements in addition to the requested index linked £20,000 per annum. The council considers that priority should be given towards funding improvements to the Public Rights of Way network which are in close proximity to the site, as it is the local users of the Public Rights of Way network who will be some of the most adversely affected by the change to the aesthetics of the network.
- 15.9. However, the council has already identified some improvements within its consultation responses. Those that are within the red line boundary should be considered for inclusion as part of the scheme and delivered as part of the DCO, whilst those outside the red line boundary could be progressed through the Community Benefit Fund or utilising the annual funding, once landowner permission has been obtained.
- 15.10. The identified improvements are outlined below.

## Within the Order Limits

- a) SHER15 Grid Reference ST 86280 85287: If this land is not subject to livestock anymore, then the stile will need to be removed and replaced with a gap which conforms to BS5709:2018. If livestock are going to be present as part of the grazing regime, then a gate which conforms to the least restrictive option should be installed. This structure will need to be applied for with a section 147 application. A sleeper bridge is present at this location and should be replaced with a culvert to make the public footpath as accessible as possible. A useable surface width of 1.2m should be provided. When exiting the Public Footpath, visibility to the north is a little challenging and would benefit from the hedge being well maintained to provide as much visibility as possible.
- b) SHER15 Grid Reference ST 86662 85190: A pedestrian gate is already installed at this location. It is recommended that the culvert here is checked and cleared regularly as it is of an old stone construction.
- c) NORT5 Grid Reference ST 87676 84841: This position is very close to the cable route, which should be installed away from the stile to minimise the risk of accidental damage. The stile should be replaced with a more accessible piece of access furniture, if required for the control of livestock.
- d) NORT1 Grid Reference ST88846 84982: This path forms part of the White Walls Walking trail, which is a locally promoted route. At certain times of year, it is difficult to see where you should cross between the arable fields, as no livestock is present so no structure is required. A fence post with a waymark on it has been the point that walkers have to aim at currently. This could be enhanced if a post with a yellow top was installed something like the following: [REDACTED]  
[REDACTED]
- e) SHER18 ST 86483 83271: The stile should be replaced with a more accessible piece of access furniture if required for the control of livestock. If not required, then the stile should be removed.
- f) SHER18 ST 86341 83412: There is no gap or access furniture provided for SHER18 within the legal line of the footpath. A gap should be created or if no livestock is present then the most accessible structure should be installed.
- g) SHER18 ST 86209 83582: There is no gap or access furniture provided for SHER18 within the legal line of the footpath. A gap should be created or if no livestock is present then the most accessible structure should be installed.
- h) LUCK57 SHER35: There is a requirement to fill in potholes / improve the surface condition. The first 30m of the Byway should be consolidated to reduce mud and loose stones being brought onto the road.

- i) HULL26 Grid Reference ST86932 83926: There is a broken stile. This should be removed if not required for livestock control. However, if a piece of access furniture is required, then it should be the least restrictive option. Additionally, the sleeper bridge currently in place will need to be replaced or widened to provide a minimum useable width of 1.2m.
- j) HULL23 Grid Reference ST87411 82934: A gap conforming to the British Standard should be created at this location and a new footpath sign installed.
- k) The gap at ST87445 82867 is not recorded as the line of the footpath, any Public Footpath signage at this location should be removed.
- l) HULL24 at Grid Reference ST 87946 83044: Two stiles are located at this position. If they are not required for the control of livestock, then they should be replaced with a gap to the British Standard. If they are required for the control of livestock, then they should be replaced with the least restrictive piece of access furniture.
- m) HULL24: A gap should be created near to the pond at Grid Reference ST 88210 82940. The old field gate at ST88191 82912 is not on the definitive line of the footpath.
- n) HULL23 Grid Reference ST 87924 82694: This stile will need to be removed. If a piece of countryside access furniture is required for the control of livestock, then it should be the least restrictive option.
- o) NORT10 Grid Reference ST 88811 83921: There is a double stile and sleeper bridge. The Hedge and Ditch Rule may mean that the responsibility for this ditch and sleeper bridge rests with the developer. The Stile on the boundary should be removed and replaced with the most accessible gate option if one is required for the control of livestock. If no livestock are present, then a gap should be provided. The sleeper bridge should be replaced with a culvert, which will provide a more accessible crossing point.
- p) NORT10 / HULL1 Grid Reference ST 89089 83585: The ground on the north side of the bridge is a little uneven and is sloped towards the ditch. This should be levelled and some stone laid down to improve this small area. The stile should be removed here and replaced with the most accessible gate if one is required for the control of livestock. If not, then a gap should be provided. The current sleeper bridge is too narrow. On the council officer's site visit, material from the watercourse had backed up on it, so it is considered that it will need to be raised up a bit and widened. This might be unsuitable for a culvert due to the amount of water which was passing through.
- q) HULL1 Grid Reference ST89212 83450: The line of the footpath at this location needs to be checked to determine where it runs.
- r) HULL1 Grid Reference ST 89231 83423: Improved way marking at this point would be beneficial.

- s) HULL1 Grid Reference ST 89371 83149: This sleeper bridge would benefit from being replaced with a culvert, which would provide a better crossing point of the ditch. If this cannot be achieved, then the existing sleep bridge should be widened, levelled and a handrail provided.
- t) HULL2 Grid Reference ST89419 83763: The sleeper bridge should be replaced with a culvert. The stile should be removed if it is no longer required for the control of livestock and a gap installed which complies with the British Standard. If a structure is required for the control of livestock, then the least restrictive option should be used.
- u) HULL2 Grid Reference ST 89863 84108: The stile should be removed unless it is required for the control of livestock. If a structure is required for livestock control, then it should be least restrictive option.
- v) HULL4 Grid Reference ST 90108 84051: Waymarking for this path as it enters and exits the site should be installed.
- w) HULL4 Grid Reference ST 90078 83902: The bridge over the stream could do with replacing with one which is higher and longer.
- x) HULL5 Grid Reference ST 90448 83860: A gap should be created in the hedge and waymarked (the current gap and bridge provide access into a different field at Grid Reference ST90460 83860).
- y) HULL5 Grid Reference ST 90413 83849: A new bridge will need to be installed to get this Public Footpath back on its correct legal line.
- z) HULL5 Grid Reference ST 90430 83812: This stile should be removed and replaced with a gap. However, if a piece of access furniture is required then it should be the least restrictive option.
- aa) HULL6 Grid Reference ST 90888 83334: At the junction of HULL6 and an unclassified road, the gateway access needs to be improved as it contained a large puddle. A way mark post should also be installed.
- bb) HULL6 junction with HULL6 spur path Grid Reference ST 90793 83505: A way mark post should be installed to aid navigation.
- cc) HULL6 Grid Reference ST 90985 83867: The footpath approach should be improved with additional steps or ramp. The rail that acts as a barrier to access on the north side of the bridge should also be removed.
- dd) HULL6 Grid Reference ST 91072 83913: The way marking through young woodland should be improved, and path clearance to site maintenance for twice yearly cut during growing season (ensure checking for nesting birds and cutting at a height of 6 inches to protect vulnerable species).
- ee) HULL6 Grid Reference ST 91148 83935: The rail on the north side of the footbridge should be removed.
- ff) Grid Reference ST 90953 83892: A small culvert over ditch should be installed for a path to link HULL6 to MALW50.HULL7/MALW51 Grid Reference ST 91401 83616: There is an existing bridle gate. If this is no longer required for the control of livestock, then the bridle gate should be removed. The area around the gate will need to be improved to make

sure that the gate complies to British Standards (the current gate may be non-compliant because of the handle and manoeuvring spaces and the overgrown hedges). The ground also needs to be improved so as not to hold water in winter. If the gate is required, then confirmation is required that a 147 authorisation is in place for it.

- gg) MALW52/HULL8 Grid Reference ST 91632 83584: This could be improved with a way mark post with a yellow top. Caution a culvert entrance is quite close to this gap, the Applicant should confirm whether they are happy with this open ditch or if it needs to be fenced off.
- hh) HULL8 Grid Reference ST 91353 83438: Waymark post required.
- ii) HULL8 Grid Reference ST 91105 83275: Waymark post required.
- jj) HULL8 Grid Reference ST 91049 83218: There is no sign of path through hedge on definitive line. A gap should be installed in the hedge and culvert for ditch crossing point. A Waymark post is required.
- kk) HULL7 Grid Reference ST 90946 83373: Install waymarking at this location.
- ll) Unclassified Road Grid Reference ST 90617 83129: Improve the surface along whole length of UCR.
- mm) Unclassified Road Grid Reference ST 90461 83005: Ford may need work to make sure that the banks are stabilised to take any increase in use without the wash from vehicles undermining the banks. A new bridge should be installed to replace the Armco bridge which has been washed out. The council officer visited after a day of rainfall and the bridge was impacting on the flow. The new pedestrian bridge should therefore be raised a little to limit the restriction on the flow of water.
- nn) HULL6 Grid Reference ST 90355 83360: There is a sleeper bridge and stile. Replace sleeper bridge with a culvert as the current sleeper bridge is too narrow and slippery. Replace stile with a gap if not required for livestock control. If a structure is required, then replace stile with a more accessible piece of access furniture.
- oo) HULL6 Grid Reference ST 90528 83390: Replace Armco bridge with a culvert and install way mark posts as well.
- pp) MALW54 Grid Reference ST 91883 83197: Bridleway sign post required.
- qq) Unclassified Road Grid Reference ST 93080 83162: Improve the surface of the UCR.
- rr) Unclassified Road Grid Reference ST 92971 83059: New signs required (wording to be agreed with the Countryside Access Officers / Countryside Access Development Officer).
- ss) MALW54/MALW60 Grid Reference ST 92561 82746: A new waymark post is required here. Any new structure would need to be for the control of livestock and be authorised by the CAOs.
- tt) MALW54 Grid Reference ST 92381 82834: An old gate in poor condition is left in the open position. Install a new culvert as no crossing point is

provided for the old ditch which has also silted up. Install Way marking at this location.

- uu) MALW54 Grid Reference ST 92208 82800: Install way marking at this open gateway.
- vv) MALW55 Grid Reference ST 92127 82882: Replace sleeper bridge with a culvert, replace stile with a more accessible piece of furniture if one is required for livestock control. If not, then install a gap with waymarking (this site is part of the cable route).
- ww) MALW53 Grid Reference ST 92016 83002: Replace stile with more accessible furniture if one is required for livestock control. If not, then install a gap with waymarking (this site is part of the cable route). Install way marking for MALW53 and MALW54.
- xx) MALW59 Grid Reference ST 92847 82503: Install a new signpost for the Bridleway.
- yy) MALW59 Grid Reference ST 92669 82359: Improve the way marking.
- zz) MALW59 Grid Reference ST 92186 81898: Improve the way marking and the gate way needs improving as it is waterlogged.
- aaa) MALW59 Grid Reference ST 92038 81790: No provision for Public Right of way. Install a new bridle gate if required for the control of livestock and install waymarks.
- bbb) MALW65 Grid Reference ST 92860 82462: Access is provided by a stile, although on the day of inspection, the field gate was open. If a structure is required, then it should be the least restrictive option.
- ccc) MALW63 Grid Reference ST 92771 81685: Remove the old broken stile and replace with a gap to BS Standards or the least restrictive access structure if livestock is to be grazed. Install new signage for the footpath.
- ddd) MALW62 Grid Reference ST 92635 81587: Replace sleeper bridge with a culvert.
- eee) MALW62 Grid Reference ST 92437 81387: Replace stile with a more accessible piece of access furniture if one is required for the control of livestock. Improve way marking.
- fff) GRIT20 Grid Reference ST 86433 80291: This stile should be replaced with the least restrictive option, once the cable route has been completed. If a structure is required for the control of livestock, this will need to be authorised. The stile will need to be removed during construction as no livestock will be present. This will allow GRIT20 to be more accessible to all users.

## Outside the Order Limits

- a) SHER15 Grid Reference ST 86012 85416: There is currently a stone stile in this location. There is potential to install a gate alongside the

stone stile to make the Public Footpath more accessible. The ditch will need to be cleared out and the culvert extended.

- b) SHER15 Grid Reference ST 86268 8528: There is currently a stone stile in this location, with an electric fence also present. It may be possible to install a gate alongside the stile.
- c) Improvement to the verge at the start of SHER14 could provide a couple of spaces for parking. However, care will need to be taken to protect the visibility and access for SHER14.
- d) SHER14 Grid Reference ST 87058 85305: The stile at this location could be replaced with a more accessible piece of access furniture.
- e) SHER14: There is potential for improvements to the alignment of this Public Footpath perhaps even to upgrade it to a Public Bridleway, which might provide benefits to the public and the landowner.
- f) NORT5 Grid Reference ST87485 84789: Replace stile with a more accessible piece of access furniture if required for the control of livestock. The sleeper bridge should be widened to improve accessibility or replace it with a culvert. Countryside Access Development Officer to investigate the position of the footpath at this grid reference
- g) NORT5 ST 87489 84790: Improvements to the gate and gateway.
- h) NORT5: Countryside Access Development Officer to investigate the correct route for the footpath and make sure it is shown correctly on the map.
- i) NORT1 ST 88789 84594: Replace sleepers with a new culvert as sleepers are positioned on a gradient, which can make them slippery when wet or if soil is on tread of users' footwear.
- j) SHER18 may benefit from a diversion as the legal line maybe obstructed. It might be possible to combine this with a diversion of HULL25 to facilitate a more direct route.
- k) HULL23 ST88215 82668: A piece of access furniture should be located here, if required for the control of livestock (the current structure is located at Grid Reference ST8819182646).
- l) NORT10 Grid Reference ST 88765 84288: Remove stile if not required for livestock control. If a piece of access furniture is required for stock control, then the least restrictive option should be installed.
- m) HULL5 Grid Reference ST 90153 83355: This stile should be removed or replaced with the least restrictive option if a structure is required for the control of livestock.
- n) MALW49 Grid Reference ST 91181 83942: Seek removal of redundant stile.
- o) HULL8 may be suitable for a diversion to improve connectivity with HULL7.
- p) HULL8 Grid Reference ST 90969 83134: Fill in Armco bridge or replace it with an improved culvert. Replace stile with a more accessible piece of access furniture.

- q) HULL6 Grid Reference ST 90213 82855: There is a manure heap across the line of the footpath. The path may benefit from a diversion to a more suitable route for land management and public enjoyment.
- r) HULL6 Grid Reference ST 90236 83245: There is a ditch stone stile and wooden stile. Install a culvert (perhaps dig ditch out to its correct depth), bypass stone stile and remove wooden stile if not required for livestock control. If a structure is required, then replace with a more accessible piece of access furniture.
- s) HULL6 Grid Reference ST 90282 83288: There is a gap to side of stile. Install a new way mark post and gap to meet British Standards.
- t) MALW53 Grid Reference ST 92033 83339: New sign post required.
- u) MALW55 Grid Reference ST 92882 83520: Replace Armco bridge with a culvert. Replace stile with a piece of more accessible furniture.
- v) MALW55 Grid Reference ST 92780 83429: Replace stile with more accessible furniture.
- w) Unclassified Road Grid Reference ST 93173 83237: Install new signpost for the UCR.
- x) MALW53: There is no sign of a stile or gap in the hedge (difficult to see into hedge so there may be one hidden). Replace stile with a more accessible piece of furniture if one is required for the control of livestock. If not, install a gap and way mark. Install a culvert to provide access across the ditch.
- y) MALW60 Grid Reference ST 92016 82600: Field gate present. Improve way marking.
- z) MALW60 Grid Reference ST 92268 82632: Replace stile with a more accessible piece of furniture if one is required for the control of livestock. If not, install a gap and way mark. Install a culvert to provide access across the ditch.
- aa) MALW68 Grid Reference ST 92978 83005: Replace stile with a more accessible piece of furniture if one is required for the control of livestock. If not, install a gap.
- bb) MALW59 Grid Reference ST 92383 82020: Improve the way marking.
- cc) MALW59 Grid Reference ST 91942 81714: Bridleway gate is wired up so not openable. The ditch here could be culverted to provide a better crossing point. It may also be aspirational to investigate diverting this bridleway away from the farm and its termination point on the A429 to one on Avils Lane. This would provide greater connectivity for the PROW network.
- dd) MALW65 Grid Reference ST 92860 82462: Access is provided by a stile, although on the day of inspection, the field gate was open. If a structure is required, then the least restrictive option should be used.
- ee) MALW64 Grid Reference ST 92850 82160: New sign post required.
- ff) Further improvements may be required to GSOM11, GSOM15, GSOM9 and GSOM10 once inspected.

15.11. The Council also wishes to highlight that the online map for path SHER18 has been amended. The Applicant should contact the Countryside Access Development Officer at Wiltshire Council for an amended plan, as the position of the corridor provided for the Public Footpath may need to be altered.

## 16. Public Protection Considerations

### Operational and Construction Noise

16.1. In preparing these comments, the following documents have been reviewed:

- ES, Vol 1, 6.1 Chapter 14 Noise and Vibration [APP-066]
- ES, Vol 2, 6.2 Figure 14-1-1 Noise Monitoring and Sensitive Receptor Locations [APP-159]
- ES, Vol 2, 6.2 Figure 14-2 Daytime Operational Noise Contours [APP-160]
- ES, Vol 2, 6.2 Figure 14-3 Night-time Operational Noise Contours [APP-161]
- ES, Vol 3, 6.3 Appendix 14-1 Noise and Vibration Legislation, Policy and Guidance [APP-234]
- ES, Vol 3, 6.3 Appendix 14-3 Baseline Noise Survey [APP-236]
- ES, Vol 3, 6.3 Appendix 14-4 Noise Modelling [APP-237]
- Outline Construction Environmental Management Plan (oCEMP) (7.12) [APP-277]
- Outline Operational Environmental Management Plan (oOEMP) (7.13) [APP-278]

### Potential Impact and the Need for Mitigation

16.2. The scheme layout has been developed to minimise noise and vibration effects at sensitive receptor locations. The BESS Area and 132kV and 400kV Substations will be located a minimum of 450m and 400m from receptor locations respectively.

16.3. A 2m bund with additional 3m barrier around the eastern and southern boundary of the BESS Area will be incorporated within the design of the Scheme to attenuate noise and to reduce visual impacts.

16.4. Due to potential operational adverse noise effects at noise-sensitive receptors, the following operational mitigation is proposed within the noise assessment (and included within the noise modelling):

- Silencer units on 75% (198) of BESS Containers;
- Silencer units on all (90) BESS Inverters;

- Seven Conversion Units in the vicinity of the BESS Area to have silencers;
- All 132kV and 400kV Substation Transformers to be housed in enclosures.

16.5. Table 8 of the Outline Operational Environmental Management Plan (oOEMP) (7.13) [APP-278] sets out the proposed mitigation / measures which will become formal requirements of the Lime Down Solar Park Order via Requirement 14 (Operational Environmental Management Plan). The ES, Vol 1, 6.1 Chapter 14 Noise and Vibration [APP-066] report confirms that with the oOEMP in place, the effects arising from the operation and maintenance of the Scheme are likely to be not significant during both the daytime and night-time periods.

#### Evaluation of the Proposed Construction Mitigation Measures

16.6. Further analysis of noise levels is required.

#### Cable Route Connection

16.7. No SOAEL impacts have been identified for daytime construction activities (excluding HDD) except for residential properties at Silver Street, Gastard (R58). However, Table 8 of the oCEMP [APP-277] makes no mention of contacting the residential occupiers on Silver Street prior to construction of the cable route corridor to inform them of the timing and duration of any construction activities taking place in their vicinity, despite this being identified as a measure within the Noise and Vibration Assessment (Chapter 14 of the ES) [APP-066]. As part of the communication strategy, residential dwellings on Silver Street must be informed of dates, times and duration of any construction activities taking place in the vicinity of their residence. Table 8 [APP-277] should therefore be amended to include this as a specific measure.

#### HDD and Nighttime Construction Noise

16.8. ES, Vol 3, 6.3 Appendix 14-4: Noise Modelling [APP-237] confirms that Sound Power Level of plant applicable to HDD activities is likely to cause significant effects (an exceedance of SOAEL) during the night at the majority of identified sensitive receptors within 500m of activities. The Noise and Vibration Assessment (Chapter 14 of the ES) [APP-066] identifies 13 residential dwellings where noise levels are expected to exceed SOAEL for a three day period and states that 'temporary acoustic fencing will be installed around the HDD site boundary to screen these receptors from noise emissions depending on the location, plant and timing of works'.

16.9. However, Table 8 of the oCEMP [APP-277] states that "*depending on the location, plant and timing of works, temporary acoustic fencing will be installed around the HDD site boundary to screen receptors from noise emission*". This negatively worded commitment should be amended to one that is positively worded, for example - '*Temporary acoustic fencing provides up to 10dB of attenuation. Temporary acoustic fencing will be installed around the HDD boundary to screen those receptors identified as having an 'above SOAEL' effect level as set out in Table 14-20 HDD Locations and Receptors of the Noise and Vibration Assessment (Chapter 14 of the ES)*'.

#### Evaluation of Proposed Operational Noise Mitigation Measures

16.10. The oOEMP [APP-278] commits to the resulting levels set out in the noise assessment at properties to provide reassurance that the Scheme as built will not lead to significant effects from noise. Table 8 of the oOEMP sets out the proposed measures which will become formal requirements of the Lime Down Solar Park Order via Requirement 14 (Operational Environmental Management Plan).

16.11. As such, it is imperative that there is a full commitment to the following operational mitigation used in the predictive modelling to support the results presented within the ES Chapter 14 Noise and Vibration Assessment is included within Table 8:

- Silencer units on 75% (198) of BESS Containers;
- Silencer units on all (90) BESS Inverters;
- Seven Conversion Units in the vicinity of the BESS Area to have silencers;
- All 132kV and 400kV Substation Transformers to be housed in enclosures.
- BESS Area to be located at least 450m and 132kV and 400kV Substations located at least 400 m from receptor locations

16.12. Unfortunately, Table 8 of the oOEMP [APP-278] does not provide the required level of precision necessary to ensure that the required level of mitigation is secured via Requirement 14 of the draft Order because it does not specify the % or number of silencer units for BESS containers, BESS inverters or Conversion units, nor does it specify that all 132kv and 400kv substation transformers will be housed in enclosures. As such, no firm commitments are given in relation to minimum mitigation requirements. By not committing to specific mitigation and actions, it will not be possible for the council to identify whether the necessary mitigation required to protect amenity has been installed.

16.13. Table 8 of Appendix 14-4 Noise Modelling [APP-237] shows that there is one receptor (R10) that has been classed as SOAEL\* (+5dB above the background LA90) for daytime operational noise. BS 4142:2014 states that a difference of +5 dB is likely to be an indication of an adverse impact. However, table 14-23 Operational Noise Results Summary states that no daytime receptors are above SOAEL. This is a significant discrepancy and as a result, the council requires the following for R10:

- A breakdown of each operational noise source i.e. conversion units, solar PV panels (tracking structures), transformers and battery inverters that contributes towards daytime noise levels;
- A BS4142 rating calculation; and
- Additional analysis setting out proposed mitigation in order to ensure daytime levels fall <5dB.

*\*The rating level is also predicted to be +5dB (SOAEL) above the LA90 at night for R10 and R20. However, table 14-23 Operational Noise Results Summary states that no nighttime receptors are above SOAEL. It is acknowledged in this case that this is a nighttime period and that noise generated by the solar farm within bedrooms at these two receptors with a window partially open window will be 20-25dB (assuming a 10-15dB reduction for a partially opened window) and well below levels outlined in WHO Community Guideline and BS8233. As such, it is agreed that the noise impacts for R10 and R20 are not significant despite the rating level of sound being +5dB above the background LA90.*

16.14. Table 8 of the oOEMP [APP-278] details monitoring requirements to ‘ensure that plant noise at sensitive receptors throughout the operational lifetime of the Scheme is not materially worse than the levels presented in the ES’. A commitment is then given to submit noise monitoring results to the relevant planning authority for review and ‘where this review indicates plant noise levels generated by the Scheme have materially increased, the undertaker and relevant planning authority will liaise in respect of any further maintenance or mitigation required to reduce levels at receptors back to those presented in the ES’.

16.15. This commitment does not go far enough. No details are provided concerning:

- a) where the monitoring will be undertaken
- b) timescales concerning the location and frequency of monitoring
- c) how frequently the monitoring data will be submitted to the local authority

d) the timescales the developer will undertake further maintenance or mitigation when the review indicates plant noise levels have exceeded acceptable levels as identified in the ES.

## **Air Quality / Dust**

16.16. In preparing these comments, the following documents have been reviewed:

- ES, Vol 1, 6.1 Chapter 15 Air Quality [APP-067]
- ES, Vol 2, 6.2 Figure 15-6 Air Quality Baseline [APP-167]
- ES, Vol 2, 6.2 Figure 15-1 Construction Dust Emissions Study Area [APP-162]
- ES, Vol 3, 6.3 Appendix 15-1 Construction Dust Methodology and Assessment [APP-238]
- Outline Construction Environmental Management Plan (OCEMP) (7.12) [APP-277]

### Potential Impacts and the Need for Mitigation

16.17. The proposed scheme has the potential to adversely affect air quality during the construction and decommissioning phases in the following ways:

- Dust generated during the construction, operation and maintenance and decommissioning phases;
- Vehicle emissions during the construction, operation and maintenance and decommissioning phases;
- Emissions from Non-Road Mobile Machinery (NRMM) (onsite plant) during the construction, operation and maintenance and decommissioning phases;
- Back-up generator emissions during the operation and maintenance phase.

### Air Quality / Dust Mitigation Proposed

16.18. Mitigation to control dust impacts are set out in Table 14 of Appendix 15-1 Construction Dust Methodology and Assessment [APP-238] and includes but is not limited to:

- Communications Strategy - develop and implement a stakeholder communications plan that includes community engagement before work commences on site and site notice with relevant contact names and telephone numbers.
- Dust Management - develop and implement a Dust Management Plan (DMP)

- Site Management – recording of all dust and air quality complaints and ensure that corrective actions are taken where possible
- Regular liaison meetings with other high risk construction sites within 500m of the site boundary, to ensure plans are coordinated and dust and particulate matter emissions are minimised.
- Monitoring – undertake and record daily on-site and off-site inspection, where receptors (including roads) are nearby, to monitor dust in accordance with the DMP. More intensive monitoring to be undertaken during periods of dry / windy weather. Carry out baseline monitoring and agree dust deposition, dust flux, or real-time PM10 continuous monitoring locations with the local authority.
- Preparing, maintaining and operating the site – taking of specific measures to minimise airborne dust and site runoff.

16.19. Table 9 of the oCEMP [APP-277] sets out the proposed mitigation / measures which will become formal requirements of the Lime Down Solar Park Order via Requirement 13 (Construction Environmental Management Plan). The ES Chapter 15 Air Quality [APP-067] report confirms that with the oCEMP in place, the effects arising from the operation and maintenance of the Scheme are likely to be not significant.

#### Evaluation of the Proposed Construction / Decommissioning Air Quality Mitigation Measures

16.20. Following review of the submitted oCEMP, it appears to be broadly satisfactory for the purposes of controlling unacceptable air quality impacts associated with the construction and demolition phases of the development.

#### **Glint and Glare**

16.21. In preparing these comments, the following documents have been reviewed:

- ES, Vol 1, 6.1 Chapter 20 Other Environmental Matters [APP-072]
- ES, Vol 3, 6.3 Appendix 20-4 Solar Photovoltaic Glint and Glare Study [APP-261]
- Outline Operational Environmental Management Plan (oOEMP) (7.13) [APP-278]

#### Potential Impacts and the Need for Mitigation

16.22. The proposed Scheme has the potential to adversely affect residential sensitive receptors during the operational phases in the following ways:

16.23. Table 11 of Appendix 20-4 Solar Photovoltaic Glint and Glare Study [APP-261] confirms that for fixed south-facing panels, the predicted worst-case scenario is for solar reflections to occur for more than three months per year but less

than 60 minutes in any given day. For the vast majority of receptors, screening in the form of existing vegetation and / or intervening terrain is predicted to obstruct views of reflecting panels. However, for receptors 24 and 39 the existing vegetation is not currently at a sufficient height (approximately 2m in 2025) to screen views from the ground floor of these dwellings, however it is predicted that vegetation heights will increase to levels necessary to provide partial screening.

- 16.24. For single axis tracking panels, no significant impacts are predicted, and no mitigation is proposed. Solar reflections either occur for less than three months per year and 60 minutes on any given day, or occur for more than three months per year and are significantly screened by existing vegetation and / or intervening terrain.
- 16.25. The Applicant advised that further mitigation is therefore not required on the basis of this predicted increase in vegetation height.

#### Glint / Glare Impacts – Mitigation Proposed

- 16.26. It is assumed that natural vegetation screening will reach approximately 3.2m by the operation and maintenance phase when panels will be in situ. This is deemed sufficient to protect amenity and therefore no additional screening mitigation is proposed.
- 16.27. A Commitment has been given to use 2.5m 1P fixed south-facing panels in field B11.

#### Evaluation of Proposed Glint and Glare Mitigation Measures

- 16.28. In order to consider the sufficiency of the proposed glint and glare mitigation, clarity on the following points is required:
  - a) How the Applicant has calculated that the height of natural vegetation will reach 3.2m and what assumptions is this figure based on.
  - b) How the impact of natural vegetation being 3.2m in height affects the significance thresholds as set out in the flow chart on page 114 of Appendix 20-4 Solar Photovoltaic Glint and Glare Study [APP-261].

## **17. Fire Safety of Battery Energy Storage System (BESS) Considerations**

- 17.1. The proposal is described as containing approximately 270 BESS containers and associated inverters, transformers mounted on concrete foundations, along with other ancillary equipment. The BESS area is shown as being located North

of the line of the railway and the existing solar farm at Hill Hayes Lane, Hullavington and extending to a site area of 5.5Ha.

- 17.2. Within the submitted ES Vol 3, 6.3 Appendix 3-1 Substations and Battery Energy Storage System Description [APP-182], the “containers” are described as a proprietary product of typical appearance, but this document also notes that other products may be used, with the product referenced providing a maximum envelope for the purposes of landscape and visual assessment and represents a reasonable worse case for the purposes of the noise assessment. The submitted design parameters set out in the Environmental Statement suggest the containers will scale at some 4.5m in height with a foundation at 4.0m depth. The submission also confirms that the containers are to be laid out with 3.5 m between blocks and 0.9 m between adjacent and back-to-back containers.
- 17.3. The submission acknowledges that there may be some potential for fire(s) as a result of the BESS elements of the development. Although rare, fires and associated explosions have the potential to cause safety concerns to human health, including anyone working on site, or within the area of fire spread / associated contamination fall out. Fires also have the potential to have an impact on the natural environment including the habitats and species on site and surrounding area.
- 17.4. ES Vol 3, 6.3 Appendix 3-1 Substations and Battery Energy Storage System Description [APP-182] confirms that each BESS container will be fitted with a Thermal Management System so as to keep the internal battery temperature in an operational range, as well as a Fire Suppression System, which ventilates smoke and water based fire / explosion suppression.
- 17.5. Separately, the draft Development Consent Order [APP-016] commits to the submission and agreement of a Battery Safety Management Plan prior to the commencement of development. The draft DCO also commits the Local Planning Authority to consultation with the Dorset and Wiltshire Fire and Rescue Service along with the Environment Agency.
- 17.6. Wiltshire Council does not retain in-house expertise to comment on the adequacy of the approach to minimise and mitigate the risk and effect of fire. However, there is no evidence to suggest that the Applicant has not developed the layout and proposed safety systems in line with the National Fire Chiefs Council (NFCC) Guidance and NFPA 855 (2023) standards, as is stated in Volume 3 to the Environmental Statement. Equally, there is no reason to believe that the proposed systems will not operate correctly and to render the development as safe as it can be. (as is referenced in the PPG).
- 17.7. The council is, however, confused by the apparent insertion of the word “optional” placed in brackets after Fire Suppression System as it is listed in paragraph 1.2.1 to Appendix 3-1 to the submitted Environmental Statement [APP-182]. This appears to run contrary to later paragraphs where the Fire Suppression System appears to be embedded in the proposed design of the

BESS. The Applicant will need to explain this apparent conflict prior to any decision.

## 18. Economic Considerations

### Policy Considerations

18.1. The relevant policies for this scheme are:

Core Policy 34 Additional Employment Land

Outside the Principal Settlements, Market Towns and Local Service Centres, developments will be supported that: are considered essential to the wider strategic interest of the economic development of Wiltshire, as determined by the council... Where they:

a) meet sustainable development objectives as set out in the policies of this Core Strategy and are supported by evidence that they are required to benefit the local economic and social needs and are supported by adequate infrastructure

Core Policy 42: Standalone Renewable Energy Installations.

Proposals for standalone renewable energy schemes will be supported subject to satisfactory resolution of all site specific constraints. In particular, proposals will need to demonstrate how impacts on the following factors have been satisfactorily assessed, including any cumulative effects, and taken into account:

- i. The landscape, particularly in and around AONBs
- ii. The Western Wiltshire Green Belt
- iii. The New Forest National Park
- iv. Biodiversity
- v. The historic environment including the Stonehenge and Avebury World Heritage Site and its setting
- vi. Use of the local transport network
- vii. Residential amenity, including noise, odour, visual amenity and safety
- viii. Best and most versatile agricultural land.

18.2. Applicants will not be required to justify the overall need for renewable energy development, either in a national or local context.

18.3. It is noted that as this is a nationally significant infrastructure project some of the more local policy considerations are superseded.

### Environmental Assessment Considerations

18.4. It is considered that the main positive economic impact of the scheme will be during the two-year construction of the solar park, followed approximately thirty

years later by the decommissioning of the original solar panels and the installation of new ones. Currently it is planned to return the land to agricultural use at the conclusion of the scheme in sixty years' time.

### Employment

- 18.5. The methodology used to predict employment numbers during the construction phase is not disputed (ES, Vol 1, 6.1 Chapter 16 Socio-Economics, Tourism and Recreation) [APP-068]. The council are also pleased to note the comprehensive Outline Skills, Supply Chain and Employment Plan (7.20) [APP-285] which if implemented in full, will help to achieve the local employment figures stated.
- 18.6. The Applicant suggests that up to 20 FTE jobs will be lost in the agricultural sector due to the change of use of the land. Whilst this is disappointing, there is a shortage of agricultural staff so if this is the case, it is not felt that they will find it hard to find alternative employment in the sector. It could be the case that the loss of land on some holdings, particularly on tenanted farms, may make the holding unviable, however this level of detail is not available to the council.
- 18.7. The Applicant also states that there could be a loss of up to 50 FTE jobs in the tourism and leisure sector during construction, reducing to 11 FTE jobs lost once the scheme is constructed and operational. The initial job losses during the construction phase are significant and in the council's view, it will be a number of years post construction for these jobs to come back. The Applicant's offer of retraining schemes to allow those effected to work on the project, but this will only help in the short term of the construction phase.

### Economic Impact

- 18.8. The Applicant has provided a range of figures on increased GVA for the local area and nationally, both during the construction and decommissioning phases and for when the scheme is operational, which are positive, particularly during construction and decommissioning periods.
- 18.9. The council has only recently had the opportunity to review the Applicant's assessment on the impact on tourism in the area. This is a comprehensive piece of work identifying all the tourist sites, rights of way, recreational areas and conservation areas that could be impacted. However, it would have been helpful to have had this submission earlier in the process.
- 18.10. Other than the visual impact of the solar panels, the most significant impact will be from the additional traffic during the construction of the solar park and the laying of the connector cables. This is likely to cause considerable delays for both tourists and residents despite the Applicant's best efforts to mitigate this. This will occur over a period of approximately two years for the initial construction, and will result in, according to the Applicant's analysis, the loss of 50 FTE jobs from the tourism sector, reducing to 11 once the construction is completed. It will also result in a reduction of at least £1.76m per year of tourist

spending during the construction phase, reducing to £395,000 per year once construction is completed. These are not insignificant sums and, in the council's view, will have an impact on the viability of tourist and leisure facilities in the area (ES, Vol 1, 6.1 Chapter 16 Socio-Economics, Tourism and Recreation) [APP-068].

- 18.11. The inclusion of the impact on tourism has resulted in a significant reduction in the increase in GVA for the local area, from £1.8m per year to £1.46m per year once construction is completed. When the £1.5m per year anticipated payment that is due to be paid to landowners is taken into account, it would appear that the rest of the local economy will be negatively impacted, with leisure and tourism businesses particularly affected.
- 18.12. It is the council's opinion that whilst this development will help with the economic viability of a number of farm businesses, a significant number of other businesses will be impacted negatively and overall business activity in the area will fall. This is contrary to Wiltshire's core strategy of maintaining and increasing job numbers.

#### Recreation

- 18.13. There are a significant number of permissive rights of ways that will be impacted by this project, both in the solar park and along the route of the cable connection. However, as the exact route of the cable connector has yet to be determined, exactly which PRoW's will be impacted is impossible to determine. The Applicant considers the impact to be either moderate / minor adverse effect or, predominantly, minor adverse effect. Whether those wishing to use these PRoW's will be of the same mind is a moot point. The council considers that a considerable amount of work will have to be done, particularly with the PRoW's affected within the solar park, to ensure that the ability of local residents and other uses of these PRoW's to enjoy the full benefits that are currently available continue if this project is consented.

#### **Draft DCO and Control Document Considerations**

- 18.14. The Applicant should commit to engagement with Wiltshire Council's Economic Development Team to develop a plan to mitigate the impact on local business, focused on tourism, leisure and retail sectors.
- 18.15. The Applicant should facilitate feedback from local business groups such as the Federation of Small Business and the Chambers of Commerce on the impact of the scheme on local businesses.
- 18.16. The Applicant should also be required to conduct research on any tenanted farms that will lose land to see if these businesses will be able to continue.
- 18.17. The DCO should contain a Requirement to ensure that fire suppression systems are installed and operational in battery storage facilities.

## 19. Soils and Agriculture Considerations

### Policy Considerations

19.1. The relevant policies for this scheme are:

Core Policy 42 – Standalone renewable energy installations

Proposals will need to demonstrate how impacts on the following factors have been satisfactorily assessed, including any cumulative effects, and take into account....the best and most versatile agricultural land.

Core Policy 51: Landscape

Proposals will need to demonstrate that “visually sensitive skylines, soils, geological and topographical features” have been conserved and where possible, enhanced through sensitive design, landscape mitigation and enhancement measures.

19.2. Wiltshire Council is of the opinion that these policies have been considered and whilst some 30% of the site is of land suitable for intensive agriculture, it would be very hard to avoid this in a scheme of this size.

### Environmental Assessment Considerations

19.3. The solar park will take 878 Ha (2,171 acres) of land out of agricultural production. This land is predominantly used for arable uses, with the poorer land used for grass production. Under the UK soil classification system, the site is graded as follows:

Grade 2 – 6%

Grade 3a – 24%

Grade 3b – 44%

Grade 4 – 26%

19.4. The council seeks further evidence from the Applicant that a full and comprehensive assessment of land, at a lower level than BMV, has been conducted.

19.5. On the assumption that the arable production takes place on land other than Grade 4 that would equate to the loss of approximately 5,000 tons of combinable crops, worth in the region of £750,000 per year. To put this in context, the UK produced 20 million tons of combinable crops in 2024, lower than normal due to the challenging weather conditions experienced in the growing season.

19.6. Due to a lack of information, the council is unable to assess the reduction in output from the grassland. However, the challenges currently facing the agricultural sector are acknowledged, although profitability in the beef and sheep sector has improved. The Applicant is suggesting that the land, once the installation is completed, could be used for grazing. Whilst there are

examples of solar parks being used for sheep grazing and / or poultry, it does require extra infrastructure, e.g. fencing suitable for sheep, to protect the equipment and the livestock. The council's officers have not been able to find any reference to this.

- 19.7. The Applicant states that there may be some grazing opportunities once the solar park is established which may offset the reduction in output from the current grassland, but the council considers this is unlikely. Clarity is therefore required.
- 19.8. One benefit of taking this land out of agricultural production for at least 60 years will be the improvement to soil health should this land revert to food production again, and the increased carbon sequestration that will occur compared with if it remains in its current use. The council would also anticipate an increase in biodiversity. However, at this moment in time, it is very hard to monetarise these benefits.
- 19.9. The council are pleased to note in the outline Soil Resources Management Plan (7.15) [APP-280] the clear guidance restricting the work that can be carried out that would have a negative impact on soil structure during periods of wet weather. Whilst the soil handling directives are comprehensive, and there is reference to the remedial work that might be needed following the decommissioning of the site and prior to the land going back to agricultural use, the council would like to see reference to soil boreholes being dug and analysed by the suitably qualified soil scientist rather than just 'site inspections'.
- 19.10. Another area missing from the outline Soil Resources Management Plan (7.15) [APP-280] is any reference to remedial actions that would be taken in the event of a pollution incident, for instance a fuel spill. To date there is no evidence that well maintained solar panels leach chemicals into the ground, unless they are damaged. The council notes that regular inspections will take place.

### **Draft DCO and Control Document Considerations**

- 19.11. The council considers that plans should be provided to address any pollution incidents that might occur during the construction / decommissioning phases and for any contamination from the solar panels that might be discovered at a future date during the lifetime of this project.
- 19.12. Unless it is intended that any protective measures needed for the infrastructure on the site in the event of it being used for grazing should be installed by the business using the land for grazing, then a plan should be provided stating what fencing, guards etc will be installed. If the cost is to be borne by the business, then that should be clearly stated.
- 19.13. Whilst the outline Soil Resources Management Plan (7.15) [APP-280] states that the measures outlined will also be relevant to works during the decommissioning phase, subject to relevant good practices at the time, there is no further reference to what these might be. The council would recommend a comprehensive soil survey with test holes dug to look for signs of soil

compaction following decommissioning of the site, with remedial actions like sub-soiling to address any compaction prior to the return to agricultural use.

## 20. Public Health Considerations

### Policy Considerations

20.1 The council considers that relevant planning policy has been adequately considered as part of the application, specifically that stated in the following documents:

- ES Vol 1, 6.1 Chapter 18: Human Health [APP-070]
- ES Vol 3, 6.3 Appendix 18-1: Matters relevant to human health raised through consultation [APP-244]
- ES Vol 3, 6.3 Appendix 18-2: Human health: Legislation, policy, guidance and supporting information [APP-245]
- ES Vol 3, 6.3 Appendix 18-3: Human health: Summary of non-significant effects [APP-246]
- ES Vol 2, Figure 18-1: Study areas for human health [APP-174]
- ES Vol 2, Figure 18-2: Health and social care facilities [APP-175]
- ES Vol 2, Figure 18-3: Hospitals and emergency health care facilities [APP-176]

### Environmental Assessment Considerations

20.2 Due to the scale, complexity and duration of the construction phase, the scheme will have an adverse impact on the amenity, wellbeing and mental health of Wiltshire's residents during the construction, operation and decommissioning phases of the proposed solar farm development.

20.3 The assessment methodology is supported with no additional comments noted. However, given the scale of the proposals, best practice in regard to community engagement and wellbeing should be implemented throughout the course of the project (see below).

20.4 It should also be noted that Wiltshire's Joint Strategic Needs Assessment has been updated and should be referenced in any future submissions: [JSNA 2025 Wiltshire Intelligence](#).

20.5 Furthermore, the English indices of deprivation have been updated and should be referenced in any future submissions: [English indices of deprivation 2025 - GOV.UK](#).

### Draft DCO and Control Document Considerations

20.6 Schedule 2, Requirement 4 of the draft DCO (3.1) [APP-016] gives requirement for a Community Liaison group:

4.

*(1) Prior to the commencement of the authorised development the undertaker must submit to the relevant planning authority for approval the terms of reference for a community liaison group whose aim is to facilitate liaison between representatives of people living in the vicinity of the Order limits and other relevant organisations in relation to the construction of the authorised development.*

*(2) The community liaison group must be established prior to commencement of the authorised development and must be administered by the undertaker and operated in accordance with the approved terms of reference.*

*(3) The community liaison group is to continue to meet until the first anniversary of the date of final commissioning of the authorised development unless otherwise agreed with the relevant planning authority.*

20.7 Whilst the formation of a Community Liaison Group will be beneficial, in order to make a meaningful difference to the affected communities, instead of a Terms of Reference, a detailed communication strategy document should be submitted and approved to the LPA prior to consent being granted. This strategy should outline in practical terms the Community Liaison Group Terms of Reference as well as Key Performance Indicators for community engagement and the safeguarding of community wellbeing. The *Suffolk County Council's Energy and Climate Adaptive Infrastructure Policy guidance on Community Engagement and Wellbeing v1.0 09/2024* demonstrates the mitigations and measures that should be used in this document.

20.8 Furthermore, a community liaison manager is mentioned in the outline CEMP (7.12) [APP-277], as is a Stakeholder Communications Plan, but more detail is needed on implementation. An overarching document such as a Community Liaison Strategy (see above) to describe how these mitigations will interact with respect of the LDSP area would clarify the overall approach to community communications and engagement for the site and all the communities affected. For example, the mitigations given in the outline CEMP include use of a display board and reference to a site manager do not seem practical for the LDSP project as a whole, given the large area and number of communities affected.

## 21. Minerals and Waste Considerations

### Policy Considerations

21.1. Full details of the legislation, planning policy and other guidance documents relating to Minerals has been captured in 6.3 Environmental Statement Volume 3, Appendix 20-1 Minerals Legislation, Policy and Guidance [APP-258].

21.2. Likewise, full details of the legislation, planning policy and other guidance documents relating to Materials and Waste has been captured in 6.3

Environmental Statement Volume 3, Appendix 20-2 Materials and Waste Legislation, Planning Policy and Guidance [APP-259].

- 21.3. Summaries of the legislation, planning policy and other guidance documents of relevance to the assessment of Minerals and of Materials and Waste are provided in 6.1 Environmental Statement Volume 1, Chapter 20 Other Environmental Matters [APP-072].
- 21.4. The council considers the relevant planning policies relating to mineral resources and to materials and waste have been adequately considered and the conclusions drawn are not disputed.

### **Environmental Assessment Considerations**

- 21.5. The assessment methodology set out in 6.1 Environmental Statement Volume 1, Chapter 20 Other Environmental Matters [APP-072], supported by 6.3 Environmental Statement Volume 3, Appendix 19-11 Mining Risk Assessment [APP-257], for considering how the project is predicted to affect identified mineral resources is appropriate. The conclusion that following the implementation of embedded mitigation there would be no significant residual effects and no in-combination effects alongside minerals is not disputed.
- 21.6. The assessment methodology set out in 6.1 Environmental Statement Volume 1, Chapter 20 Other Environmental Matters [APP-072], supported by 6.3 Environmental Statement Volume 3, Appendix 20-3 Materials and Waste Methodology and Baseline [APP-260], for considering the likely effects of the project in materials and waste is appropriate. The conclusion that no residual significant effects are identified for materials and waste and no in-combination effects because of the project is not disputed.

### **Draft DCO and Control Document Considerations**

- 21.7. It is considered that relevant mitigation and monitoring requirements are secured via Schedule 2 of the Draft DCO (3.1 Draft Development Consent Order) [APP-016].
- 21.8. Furthermore, the mitigation and monitoring measures set out in the following documents are satisfactory and no changes or additional measures in respect of minerals and materials and waste are considered necessary.
  - 7.12 Outline Construction Environmental Management Plan [APP-277]
  - 7.13 Outline Operational Environmental Management Plan [APP-278]
  - 7.14 Outline Decommissioning Strategy [APP-279]
  - 7.16 Outline Site Waste Management Plan [APP-281]
  - 7.26 Commitments Register [APP-291]

## **22. Other Matters**

- 22.1. Wiltshire Council had the opportunity to comment on the Draft DCO prior to DCO application submission. Whilst Island Green Power have responded to the points raised in the council's response, limited amendments have been made to the submitted 3.1 Draft DCO [APP-016]. Therefore, the majority of the council's previously identified concerns remain.
- 22.2. This correspondence has been included within Appendix B of this response.
- 22.3. The council will require the identified issues with the Draft DCO to be adequately addressed during the course of the Examination.
- 22.4. Further information and guarantees are also required with regards to the Applicant's proposed Community Benefit Fund. This includes information on the overall value of the Fund, how it will be administered and the criteria for projects which could be funded. Wiltshire Council is resolute in its view that given the significant scale of this development, sufficient benefit must be secured for the affected local community should the Secretary of State grant consent for this scheme.

## **23. Conclusion**

- 23.1. Wiltshire Council hopes that the information contained above is helpful to the Examining Authority when undertaking their initial assessment of the principal issues to be considered at examination.
- 23.2. Further detailed information will be provided within the council's Written Representation, Local Impact Report and Statement of Common Ground following the detailed review of the application and follow-up documentation.
- 23.3. It is also important to note that Wiltshire Council's administration is opposed to this proposed development due to its significant scale and adverse environmental impacts, which would result in the industrialisation of the countryside. Therefore, as a result of the issues identified, Wiltshire Council does not support the proposal as it stands and considers that development consent should not be granted for the Scheme as submitted.

## Appendix A Highways and Transport Document Review Detailed Comments

1. This Appendix includes Highways Development Management comments in relation to the identified Application documents.
2. The overarching themes have been summarised within the main body of the report.

### 2.2 Land Plans [APP-006]

3. The 23 number land plans indicate areas in blue and yellow shading which encroach over the existing public highway limits in several locations, notably Farhill Lane, Fosse Way, Alderton Road, the A429, A420 Bristol Road and the A4 Bath Road. In the case of the 'blue' land identified the KEY cites that "*New rights (including restrictions) to be compulsorily acquired and temporary use of land and in relation to which it is proposed to suspend or extinguish easements, servitudes and other private rights*". In the case of the 'yellow' land identified it is stated "*Temporary use of land and in relation to which it is proposed to temporarily suspend easements, servitudes and other private rights*". It is assumed in both cases that, where this is also public highway, that normal rites of passage will not be affected by these designations on the Land Plans. Furthermore, where it is stated that new rights are to be compulsory purchased, it is unclear what rights will be sought and how this will impact public highway land within the areas of blue shade. This needs clarification.

### 2.3 Works Plans [APP-007]

4. The 23 number works plans identify works proposed within public highway as 'Works Numbers 8A or 8B'. It is therefore inferred that where lengths of public highway identified in past comments on the Transport Assessment Scoping Note are excluded from these designations on the works plans, that no mitigation or improvements are deemed necessary to accommodate the increased HGV trafficking expected during construction. In previous comments submitted to the Applicant, the council's Highways Development Management officer identified the following minor roads as requiring 'before and after' surveys and assessment set out in the supporting Transport Assessment to demonstrate adequate carriageway width or frequency of passing place opportunity on all these minor roads to pass at least an HGV and a light vehicle or ideally allow the passage of two large vehicles.
  - Lime Down Site A-C: Unnamed road between Fosse Way and Sherston: Circa 1.1km from the Fosse Way junction.
  - Lime Down Site D: Unnamed road between the roundabout junction with Wellington Place Road and Bradfield Cottages - circa 1.7km

- Lime Down Site D: Unnamed road between the Bradfield Cottages / The Street junction and the proposed secondary access point to Lime Down Site D - circa 460m
- Lime Down Site E: Rodbourne Road
- Lime Down Site E: The unnamed adoptable highways which are proposed for construction access to the south of Rodbourne Road.

5. In reviewing the submitted works plans it is noted that:

- Sheet 1: Most of the length of Farhill Lane between the Fosse Way junction and Lime Down Site A is excluded from any perceived need for improvement works.
- Sheet 5: The entirety of the main construction route from the A429 to Bradfield Cottages is excluded from the identified works areas, so again inferring that nothing is needed to make this minor route suitable for significantly increased HGV trafficking to Lime Down Site D.
- Rodbourne Road is excluded, but it is now understood that construction access to Lime Down Site E will not be via Grange Lane / Rodbourne Road.

6. Unless it is conclusively proven by assessments included in the Transport Assessment that no passing bay or widening improvements are needed, it is in the council's Highways Development Management officer's view not possible to infer that the length of Farhill Lane identified and the route from the A429 to Bradfield Cottages should not be included within the Work Number 8A or 8B designations.

#### 2.4 Streets Plans [APP-008]

7. It is noted that the lengths indicated in purple with reference points linked to Schedules 4, 5, 6 and 8 of the Draft DCO [APP-016] correlate with the Works Number 8A or 8B areas mentioned above. As such, there would appear to be no provision within the DCO to undertake any wider improvement works along Farhill Lane or along the route between the A429 and Bradfield Cottages should this be necessary to enable safe and satisfactory passage for two HGVs.

#### 2.6 Access Plans [APP-010]:

ES Vol 2, 6.2 Figure 13-11 Construction Access Locations: Solar PV Site [APP-156];  
ES Vol 2, 6.2 Figure 13-12 Construction Access Locations: Cable Route Corridor [APP-157]; and  
APP-158: 6.2 ES Vol 2, 6.2 Figure 13-13 Operational Only Access Locations: Solar PV Sites [APP-158]

8. It is noted that these collective plans now show:

- An additional 10 number access locations to Lime Down Sites A-E (Ref: 201-210) with these identified as 'Operational Only' access locations.

Whilst likely to be lightly trafficked, it is again important to understand what highway works are needed to construct these new accesses and the visibility splay distances available to emerging vehicles.

- An additional 27 number vehicular access locations to the cable route corridor. Schedule 7 Part 2 to the Draft DCO [APP-016] identifies locations 101-125 inclusive as being a temporary means of access only, with only locations 126-127 off Westlands Lane at Melksham being permanent. It appears that both are existing junctions serving minor tracks, but it is unclear whether any highway works are intended to upgrade them.

9. Access points for construction works at the Lime Down Sites (A-E) are largely the same as those presented in the Transport Assessment Scoping Note. The only key difference is the proposed construction route into Lime Down Site E, which is via a new access Location 18 on the A429 south of Corston. An additional access in the same location (Location 10) serves the cable route area between the A429 and Lime Down D. This is supported, especially the former reliance on Grange Lane and Rodbourne Road, which is now removed.

### 3.1 Draft Development Consent Order [APP-016] and 3.2 Explanatory Memorandum [APP-017]

#### Articles 10 and 15

10. In previous comments on the draft DCO, the council has expressed concern over the ability of the Council to control works being undertaken within the public highway, and from the Highways Development Management perspective, the ability to ensure the proposed site access and other works meet the adoptable standard. In the Applicant's response to Council comments on the draft DCO, it is stated in response to the need for s278 Agreement and due process in respect of Article 10 that: *"A separate agreement will not be necessary as the undertaker's powers relating to the alteration of streets are conveyed by Article 10 of the DCO as opposed to the Highways Act 1980 ("HA 1980"). Any agreement with the street authority would therefore be pursuant to Article 15 of the DCO and not section 278 of the HA 1980. It should be noted however that Article 15 and section 278 address the same aspects of design approval, bond and sign off"*. However, review of DCO Article 15 states in (1) that *"A street authority and the undertaker **may** enter into agreements"*. The concern is the use of the word 'may' (high-lighted in bold), which suggests that the undertaker is not bound or required to do so, including the design approval of the construction drawings by the Council. Whilst the Applicant's response suggests that *"Article 15 and section 278 address the same aspects of design approval, bond and sign off"*, the council cannot see this expressly stipulated as to what an Agreement under Article 15 'shall' include or encompass.

11. However, it is noted under Article 10(4) that *"The powers conferred by paragraph (2) may not be exercised without the consent of the street authority, such consent to be in a form reasonably required by the street authority"*. It is the council's Highway Development Management officer's view that the form of

consent would include the council's requirement for an agreement under Article 15, with clauses within this like those used in the council's standard s278 agreement template. Whilst it is not considered that this could be construed as unreasonable, the council would like to see the word 'reasonable' from Article 10(4) removed.

## Article 14

12. The council's Highways Development Management officer remains concerned about the precise wording of Article 14, as it implies that approval by the highway authority is only required for new access locations proposed beyond those set out in Schedule 7, Parts 1 and 2. In short, all the accesses in Schedule 7, whether permanent or temporary, are seemingly deemed approved in at least principle under powers conferred in Article 14. This is further confirmed by the Applicant's response to the request for an amendment to require technical approval by the Council for all access points where is stated: "*Technical approval by the Council is not required as the permanent and temporary means of access set out in Part 1 and Part 2 of Schedule 7 respectively are approved by Article 14. Access works however would be secured through the discharge of the Construction Traffic Management Plan ("CTMP") via Requirement 15 which requires approval from the Council prior to the commencement of the Scheme. The technical process for implementing works can also be subject to an agreement under Article 15*".
13. Looking at Requirement 15 in Schedule 2, this relates solely to the CTMP, so not necessarily the access details and design which will, in many cases, be permanent highway works. This to council officer's mind needs to be secured, so the technical review / approval of construction details, through one or more agreements under Article 15. However, as noted already, there is no requirement for the undertaker to enter into any agreement, so 'may' as opposed to 'will'. As such, it remains a concern as to how the council can ensure that construction works to improve or create new permanent access points listed in Schedule 7 are of an adoptable standard at both the design and implementation stages.

ES Vol 1, 6.1 Chapter 2 The Order Limits [APP-054];

ES Vol 2, 6.2 Figure 2-1 Elements of the Site [APP-077];

ES Vol 2, 6.2 Figure 2-2-1 to 2-2-5 Field Boundaries and Numbering [APP-078];

ES Vol 2, 6.2 Figure 2-3-1 to 2-3-9 Environmental and Planning Constraints [APP-079]; and

ES Vol 2, 6.2 Figure 2-4-1 to 2-4-9 Public Rights of Way and Highways [APP-080]

14. With regard to the Highway Improvement Areas indicated in pink on these figures and notably on Figures 2-4-1 to 2-4-9 showing the Highways and existing PROW, the concern, as noted in commenting on the Works plans, is the exclusion of certain critical lengths of highway serving as the construction access routes to Lime Down Sites A and D.

ES Vol 1, 6.1 Chapter 3 The Scheme [APP-055];  
ES Vol 2, 6.2 Figure 3-1 to 3-1-5 Indicative Site Layout Plan [APP-081];  
ES Vol 2, 6.2 Figure 3-2 to 3-1-10 Key Construction Phase Features [APP-082];  
ES Vol 2, 6.2 Figure 3-3 400 kV Substation and BESS Layout [APP-083];  
ES Vol 2, 6.2 Figure 3-4-1 to 3-4-5.2 Landscape and Ecology Mitigation Plan [APP-084];  
ES Vol 3, 6.3 Appendix 3-1 Substations and Battery Energy Storage System Description [APP-182];  
ES Vol 3, 6.3 Appendix 3-2 Cable Route Construction Method Statement [APP-183];  
and  
ES Vol 3, 6.3 Appendix 3-3 Illustrative Drawings [APP-184]

15. Paragraphs 3.3.7.2 and 3.3.7.3 under 'Highway Improvements Areas' state that: "*Highway improvements will be made to facilitate construction. The Highway Improvement Areas are shown in ES Volume 2, Figure 3-2: Key Construction Phase Features [EN010168/APP/6.2J]*" and "*Works within the Highway Improvement Areas comprise modifications to the existing highway such as improvements to road edge where it is deteriorated, minor works to enable construction vehicle movements such as provision of passing places within the existing highway boundary, traffic management measures and provision of visibility splays*". However, as previously noted, these HIA subsumed within Works Numbers 8A or 8B appear to exclude any deemed need for improvements along key minor road lengths providing primary access to Lime Down Sites A and D. Refer to comments under 'Works Plans'.

ES Vol 1, 6.1 Chapter 4 Alternatives and Design [APP-056];  
ES Vol 2, 6.2 Figure 4-1 to 4-1-8 Development Site at Scoping and at PEIR [APP-085];  
ES Vol 2, 6.2 Figure 4-2 to 4-2-8 Development Site at PEIR and DCO Application submission [APP-086];  
ES Vol 2, 6.2 Figure 4-3 Main infrastructure layout changes between Scoping and PEIR [APP-087];  
ES Vol 2, 6.2 Figure 4-4 Main infrastructure layout changes between PEIR and DCO Application submission [APP-088]; and  
ES Vol 2, 6.2 Figure 4-5 Indicative Cable Route Corridors [APP-089]

16. Plate 4-3 shows the various construction routes considered for access to Lime Down Sites A-C. It is agreed that the route to / from the M4 via the A46, B4040, B4039 and Fosse Way is the best of the alternatives considered. However, Highway Improvement Areas (Plate 4.4) are only identified in four locations, with the most meaningful at Alderton Road near Grittenham some distance to the south of the Lime Down areas. There is a concern that the unnamed road between the Fosse Way and Sherston serving Lime Down Site A is excluded from any consideration as to need for improvements to facilitate two-way HGV trafficking.
17. Section 4.5 'Alternative Construction Routes for Solar PV Sites' appears to suggest that no other option than the A429 was ever considered for access to

Lime Down Sites D-E. However, it is known from the content of the Scoping Note submitted for the Transport Assessment / OCTMP, that the use of Grange Lane and Rodbourne Road was originally proposed as part of the main access route into Lime Down Site E. However, as previously noted, the revised proposal for Lime Down E taking direct access off the A429 via a new access south of Corston is supported, as the minor roads mentioned are considered unsuitable for regular trafficking by articulated HGVs.

18. Figures 4.1., 4.2 and expressly Figure 4.5 show how the extent of the cable search area has been progressively reduced between the initial Scoping and DCO Application stages to Route 1 (Yellow). Specific comment on this or the 25 number temporary access points required at the various major and minor road crossovers during the construction phase is not offered. The formation / construction of these temporary accesses and any Temporary Traffic Management arrangements as may be required to control traffic on roads affected are matters for the council's Network Management team and, unless otherwise dictated by provisions in the DCO, would be expected to follow the normal processes for securing street works Permits or Licenses to secure road space and work within the public highway.

ES Vol 1, 6.1 Chapter 6 Environmental Impact Assessment Methodology [APP-058]

19. Tables 6-2 and 6.3 showing Sensitivity and Magnitude criteria bandings and how are used in Table 6-5 to assess 'Degrees of Significance' in terms of various LDSF impacts are noted.

ES Vol 1, 6.1 Chapter 13 Transport and Access [APP-065];

ES Vol 2, 6.2 Figure 13-1 Study Area: Solar PV Sites [APP-146];

ES Vol 2, 6.2 Figure 13-2 Study Area: Cable Route Corridor [APP-147];

ES Vol 2, 6.2 Figure 13-5 Abnormal Load Routes - Solar PV Sites [APP-150];

ES Vol 2, 6.2 Figure 13-6 Abnormal Load Routes - Cable Route Corridor [APP-151];

ES Vol 2, 6.2 Figure 13-7 Sensitivity of Links: Solar PV Sites [APP-152];

ES Vol 2, 6.2 Figure 13-8 Sensitivity of Links: Cable Route Corridor [APP-153];

ES Vol 2, 6.2 Figure 13-9 Traffic Survey Locations: Solar PV Site [APP-154];

ES Vol 2, 6.2 Figure 13-10 Traffic Survey Locations: Cable Route Corridor [APP-155];

and

ES Vol 3, 6.3 Appendix 13-1 Transport Assessment [APP-233]

ES Chapter 13 Transport and Access [APP-065]

20. Table 13-4 to Chapter 13 of the Environmental Statement sets out the assessed 'Sensitivity' classification of roads which form the construction routes to Lime Down Sites A-C and D-E, these based as stated on the ISEP Guidelines. It is accepted that the entirety of the route through the CNL from the A46 to and including Alderton Road to the north-west of Grittleton is of 'Medium' sensitivity. However, the route into Lime Down Site D from the A429 to Bradfield Cottages does not seem to be broken down into sufficient separate links in assessing receptor sensitivity. For example, whilst the part of the route between the A429 and the crossroads junction to the north-east of Hullavington might be agreed

as 'Low' sensitivity, the onward route past Bradfield Cottages to Lime Down Site D access points 8, 9 and 20 is clearly more sensitive and likely to see a significant increase in HGV movements. It is reiterated that sensitivity in this context does not consider highway safety and operational impact, and so the need to demonstrate that there is ample passing opportunity for two HGVs along all parts of this key access route.

21. It is noted that 'Impacts' considered and how these are assessed / graded under criteria set out in Table 13-6 to the Environmental Statement exclude 'Highway Safety' per-se. However, minor roads subject to increases in HGV trafficking, and where two-way passage for two HGVs is limited to only specific passing places, is going to lead to increased safety risk if such opportunities for passage are infrequent with large distances and no inter-visibility between them. This isn't possible to assess under the 'Driver Delay' impact heading based on the absolute increase in vehicle flows. In short, the potential risk of lengthy reversing manoeuvres being needed by HGVs or other vehicles to enable passage along the minor roads forming the construction routes must be avoided, and highway works undertaken to mitigate.
22. Table 13-20 to the Environmental Statement shows the predicted number of HGV movements associated with the construction of Lime Down Sites A-E. This appears to be unchanged from the figures in the Scoping Note previously issued for the TA / oCTMP. The council's Highways Development Management officer comments on these when reviewing the Transport Assessment below and particularly the supporting information requested in the past regarding their derivation. However, Tables 13-24 and 13-25 show overall and HGV increases on the various roads in the assessment area for the baseline year of 2028. With regards to overall changes in predicted flows and the ISEP 'Rule 1' Guideline, these are assessed as an insignificant effect with only the road west of Grittleton and Alderton Road getting close to a 30% daily change. However, HGV (%) changes are >30% in eight locations, with significant change in the absolute number of HGV movements along the route between the A429 and Bradfield Cottages where no need for any improvement works is defined in the DCO and supporting plans. Paragraph 13.7.32 states in respect of this route that "*The initial section of the road has recently been upgraded with central markings and street lighting. Beyond the access to Hullavington Airfield, the route becomes more rural in character with no central road markings or street lighting. The unnamed road routes beneath a railway underbridge before becoming Bradfield Cottages. There are no posted weight or height restrictions along the section of road within the Study Area*". This implies the width in many cases may be substandard and the lengths where two HGVs can potentially pass limited in extent. Paragraph 13.10.77 states in part that "*It should be noted that high percentage changes in HGVs typically reflect a low baseline number of HGVs. Real term numbers of HGVs are relatively low*" and "*Where baseline flows are low, any change in traffic flow will result in a large percentage change, but this will not necessarily lead to a likely significant effect*". The council would argue that HGV movement changes of 76 per day along this specific route will increase the risk of two opposing HGVs meeting on this route and so it will be a significant effect and indeed a highway safety issue if there is not sufficient

carriageway width and / or passing place opportunity for accommodating two-way passage of 16.5m articulated HGVs along this route.

23. Further examination of Tables 13-34 and 13-35 in the Environmental Statement shows the projected increases in overall flows and HGV volumes along the cable route corridor, more particularly where existing roads cross-over and temporary access points are proposed. It is noted overall increases on certain minor roads are quite significant, with Sevington Lane a potential concern as this has a very narrow width with limited passing places. Changes in HGV flows of >30%, albeit small in absolute terms in many cases, do affect a much greater proportion of minor roads where the cable route crosses. Paragraph 13.10.67 states in respect of the cable corridor that: "*HGV trips will largely consist of 10m tipper trucks, including those required to construct the haul road and laydown areas. There will be approximately 132 AIL movements associated with cable drum deliveries over the length of the Grid Connection Cables*". Subject to confirmation in the Transport Assessment, it will need to be demonstrated that passage for 10m tipper trucks can be accommodated along the minor roads intended for access. Furthermore, which of these minor roads are intended for AIL access, as width and / or alignment may preclude this.
24. In paragraph 13.11.1 it is stated in part that to minimise the impacts of construction of the Scheme the Applicant will be committed to "*Conduct a Stage 1 Road Safety Audit at all access junctions to recommend additional safety measures at the access points*". The council would seek further than that, so the submission for Wiltshire Highways approval of all detailed layout and construction drawings together with a supporting Stage 2 Road Safety Audit. This would be in line with what the council would normally seek under a s278 Agreement under the Highways Act 1980, or as now proposed in the DCO, an agreement under Article 15. As previously noted, this entering into an agreement under Article 15 for permanent access works should not be discretionary but mandatory to ensure that works are carried out to the council's adoptable standards and standard highway details.

#### Appendix 13-1 Transport Assessment [APP-233]

25. Many parts of the supporting Transport Assessment simply mimic the content taken from it into Chapter 13 of the Environmental Statement. As such, commentary is not replicated on points already raised but focus on supporting information solely in the Transport Assessment.
26. Annex C shows the 'Solar PV Sites Access Drawings, so access references 1-20 inclusive. However, these only show the swept paths for 16.5m articulated HGVs and 'indicative' black lines showing the necessary extent of the access width and bell-mouth, so assumed to be the position of new intended kerbing. These are not sufficient in themselves for highway works approval, as there are no details of the new 'apron' construction, kerbing, 'tie-in' jointing to the existing carriageway and, where drainage ditches are present, any new culverts or changes to existing. The council's Highways Development Management officer makes this point because of the previously raised concern about the precise wording of Article 14, as this implies that approval by the highway authority is

only required for new access locations proposed beyond those set out in Schedule 7, Parts 1 and 2. In short, all the accesses in Schedule 7, whether permanent or temporary (so all those included in the Annex C drawings), are seemingly deemed approved in at least principle under powers conferred in Article 14. This is unacceptable as the drawings in Annex C are only 'Preliminary' in nature, and do not include the construction detail the council would expect to see in a s278 submission.

27. Annex D includes the 'Cable Route Corridor Access Drawings' and, whilst most of these are temporary accesses for construction purposes only, the above comments made in respect of the Solar PV site accesses are equally applicable. The drawings for each access show the swept paths associated with a 10.2m tipper and indicative proposed kerb-lines to accommodate these. In short there is an absence of construction detail whilst, in many cases, the Ordnance Survey background is very sketchy or almost non-existent. The lack of background makes it unclear whether drainage ditches are affected, and so any works associated with temporary piping necessary. Again, it is difficult to see how deemed consent under Article 14 can be acceptable, without a DCO 'Requirement' for full submission and approval of the temporary access proposals by the Wiltshire Council Network Management team.
28. Annex E shows the 'Solar PV Sites Trip Generation Calculations' for the construction phase, so as requested in past comments on the 'Scoping Note' the under-riding assumptions used in determining the HGV types and numbers set out in Table 13-12 in the Transport Assessment (Table 13-20 in the ES). The Annex information shown in respect of HGVs still provides no specific assessed quantities of material volumes and component type / numbers for 'each' Lime Down Site and based on 'average' loadings, how this translates to the predicted HGV numbers and types shown in Table 13.12. The Transport Assessment main text provides no explanatory information on the calculations included in Annex E, whilst the spreadsheet printouts themselves provide no notes. The calculations undertaken for Modules and Mounting Structures for each Lime Down Site are set out, but it is unclear what the 1.2 'Ratio' figure used represents but assumed to be a reduced loading factor per HGV. However, aggregate volumes are not determined on a Lime Down site-by-site basis, or on what basis, so the total access track length and its width / depth of construction. It is noted the 'waste' calculation accounts for only removal of packaging, so excludes any removal of excavated material associated with the construction of the access trackways and the foundation bases for the BESS and 440kV and 132KV substations. This could be a significant amount of off-site disposal of spoil, unless it is being assumed that all excavated material is reused on site / or transported offsite as required in the same tippers used for the incoming supply of aggregate. However, nothing is stated so this does need clarifying.
29. Annex H shows the 'Construction Route Swept Path Analysis'. Drawings SP34 and SP36 show the swept path analysis 'passage' for a 16.5m articulated HGV and an estate car on the Lime Down Site D access route between Dyson Roundabout and Bradfield Cottages (Drawings SP34 and SP36). What is clear from these analyses, is that the existing carriageway width is, for the most part,

only able to pass an HGV and a car. Furthermore, and as indicated further on the two drawings, parts of the route do not even accommodate passage for a car / HGV, requiring one driver to wait in a suitable location to allow passage of the other through the 'narrowed' sections. Some of these restricted passage sections appear quite long, as indicated by the intervisibility distances shown between passing points. No part of the route has been assessed for passing opportunity for two opposing HGVs, which given the level of predicted HGV trafficking associated with Lime Down Site D is a real concern. Table 13-12 in the Transport Assessment (Table 13-20 in the ES) shows a predicted 76 HGV movements per day on this route, whilst background flows at Location 12 'Bradfield Cottages' indicate daily vehicle flows of 1,396 with an HGV content of 3.3% (46). The daily flow and critically the number of existing HGVs is much higher at Location 12 'Road East of Hullavington'. In view of the existing flows and predicted HGV movements during the construction of Lime Down Site D, it cannot be assumed that a need for 2-way HGV passage will not be needed along this length of access route, or indeed that it will be infrequent despite best efforts in coordinating timings for arriving / exiting HGVs. The swept analysis along this route thus needs to consider existing opportunities for 2-way HGV passage and whether this is adequate, particularly the part to the north-west of the junction with The Street at Grittleton. As noted, the DCO and identified Works Plans do not identify or propose any part of this route as requiring widening improvements. However, there remains a concern that the level of increased HGV trafficking will require some level of intervention to ensure there is adequate passing opportunity for two opposing HGVs. In short, the current level of presented analysis does not give sufficient comfort that this passage issue won't lead to highway operating and safety issues.

30. Drawings SP35 and SP38 in Annex H show the same HGV / car swept path analysis for the access route between Fosse Way and Lime Down Site A. Whilst the expected daily HGV movements associated with Lime Down Site A and background HGV flows along this length of minor road are much reduced, it would still be useful to understand what level of constraint exists to 2-way HGV passage.
31. Drawings SP42 and SP47 in Annex H again shows the HGV / car swept path passage analysis for a length of Fosse Way and Alderton Road. It is further noted from the Works Plans in the Environmental Statement that a significant part of this length is indicated as a Highway Improvement Area on Sheet 18 (Works Ref 8A). However, it remains unclear from Drawing SP47 as to what improvement works are proposed based on the analysis, whilst noting its specific inclusion as an HIA in the DCO. It is further noted that significant parts of the route section are narrow and unable to pass an HGV / car, so relying on opposing driver inter-visibility through the lengths of narrowing. Given this part of the highway network will be required to accommodate the HGV trafficking associated with Lime Down Sites A-C, there is a concern that no assessment has been done to consider passage opportunities for two opposing HGVs.
32. Drawings SP43-SP46 provide the swept path analysis for the remaining part of Fosse Way proposed for construction access. The assessment, which is again based on achieving passage for an HGV / car only, suggests that there are

significant lengths where the existing carriageway width is also insufficient to accommodate even this 2-way passage without verge over-run / or one driver waiting at a suitable passing point. Some of the inter-visibility distances measured between possible passing points are quite long and, in some cases, up to 215m, which is a concern albeit the alignment being relatively straight for the most part. It is noted from Google Earth imagery that Fosse Way typically has flat mown verges either side of its relatively narrow carriageway, so the risk of over-run damage with only moderate levels of increased HGV trafficking could be significant. Again, as no analyses examining 2-way HGV passage opportunity has been undertaken, it is not currently known whether two HGVs could pass anywhere along the length of Fosse Way without over-riding / damaging the grass verges.

ES Vol 1, 6.1 Chapter 21 Cumulative and In-Combination Effects [APP-073];  
ES Vol 2, 6.2 Figure 21-1 Location of Short List Cumulative Developments [APP-178];  
ES Vol 2, 6.2 Figure 21-2 Location of Cumulative Solar Infrastructure [APP-179]; and  
ES Vol 3, 6.3 Appendix 21-1 Long List of In-Combination Effects and Cumulative Developments [APP-264]

33. In Table 21.9 'Potential in-combination effects during construction and decommissioning' and specifically Receptor TP145 'Fosse Way', the Transport and Access impact scoring is stated as 'Minor Adverse'. However as noted in comments on the Transport Assessment and expressly Annex H, there are concerns about highway damage as the carriageway width is quite narrow with long sections unable to accommodate the passage of an HGV / car, let alone two HGVs. It is unclear why the road from Dyson Road to Bradfield Cottages is excluded as an assessed receptor, given the expected level of HGV trafficking during construction. As noted, there is also concern about two-way passage for HGVs here, especially to the north-west of the crossroads junction with The Street (Grittleton).

ES Vol 1, 6.1 Chapter 22 Summary of Residual Effects [APP-074]

34. It is concluded in respect of 'Transport and Access' that "*No significant residual effects on transport and access are predicted during the construction of the Scheme*". However, there are concerns about 2-way passage possible on some of the minor roads serving as construction access to Lime Down Sites A-C and Lime Down Site D. The swept path assessments included in Annex H to the Transport Assessment show that significant lengths have a carriageway width which is unable to accommodate the passage of a car / HGV without verge or potentially footway over-run. The 2-way passage opportunities for two opposing HGVs are not even additionally considered, this on the basis that such occurrences will be very infrequent and no greater risk than now. Given the level of expected HGV construction trafficking along the route to Bradfield Cottages (Lime Down Site D), the council considers the risk of two HGVs needing to pass here to be much greater, but no mitigation or works are proposed.

## 7.7 Consents and Agreements Position Statement [APP-272]

35. Highway Development Management comments have been made earlier about provisions in Articles 10, 14 and 15 of the Draft DCO. Paragraph 1.4.2 of this document reiterates that “*The majority of consents required are included, or addressed, within the Draft DCO [EN010168/APP/3.1], as permitted by various provisions of the Planning Act 2008*” and “*Consent to alter the layout of streets and to form new, or alter or improve existing, accesses to the highway. Articles 10, 11 and 14 of the Draft DCO [EN010168/APP/3.1] provides this power*”. However, there is concern that this gives deemed consent to access works where details are absent and provides no ‘requirement’ for seeking Technical Approval from Wiltshire Council.

## 7.12 Outline Construction Environmental Management Plan [APP-277]

36. Paragraph 1.3.4 states that “*A series of highway improvements would be made to facilitate the Scheme. The location of the Highway Improvement Areas are shown in ES Volume 2, Figure 2-1 [EN010168/APP/6.2]. Works within the Highway Improvement Areas comprise improvements to the existing highway such as improvements to road edge where it is deteriorated, minor works to enable construction vehicle movements such as provision of passing places within the existing highways boundary, and provision of visibility splays. The final number and dimensions of the passing places will be confirmed as the design progresses and through further discussion with Wiltshire Council*”. This as implies commits only to highway improvement works within the Identified HIAs, such as passing place improvements. As such, in the case of some of the minor roads excluded, but where concerns have been raised about 2-way passage, the undertaker is seemingly under no obligation to mitigate or put in place measures should inadequacy of passage for HGVs and associated highway safety issues occur.

37. Where reference is made to the Outline CTMP in Sections 2.7 ‘Traffic Management’, 2.8 ‘Off-Site Delivery Routes’ and 2.9 ‘Parking Provisions’, comments have been made separately under the CTMP section below.

38. Table 7 ‘Transport and Access’ states in part: “*The Offsite Highway Improvement Areas are sections of the highway network that will either contain localised improvements, such as passing areas, or traffic management. These areas will support the movement of construction vehicles on narrower sections of the local highway network*”. As noted, there is concern that the proposed extent of the HIAs falls short well short of all the minor road locations which may need improvements to facilitate satisfactory two-way passage. The commitment to a ‘Road Condition Survey’ is welcomed and it is noted that “*The extent of the survey will be agreed with the local highway authority prior to commencement*”. Based on the findings of the swept path analyses along the minor roads to be used for construction access (Annex H - Transport Assessment), it is the council’s Highways Development Management officer’s view that survey coverage will need to include Alderton Road, Fosse Way and the unnamed road between Fosse Way and Sherston, as well as the route between Dyson Roundabout and Bradfield Cottages.

### 7.13 Outline Operational Environmental Management Plan [APP-278]

39. It is accepted that trafficking during the operation phase associated with ongoing maintenance will be minimal and will use for the most part the accesses created or improved to facilitate construction, where these are proposed to be permanent. It is understood that suitable 'hard standing' turning areas will be available within the sites to allow any maintenance vehicles to exit in forward gear which is acceptable.

### 7.14 Outline Decommissioning Strategy [APP-279]

40. It is noted in paragraph 2.6.2 under 'Traffic Management and Parking Provision' that "*A Decommissioning Traffic Management Plan (DTMP) will be developed by a Contractor prior to decommissioning in consultation with the appropriate Local Planning Authority. The DTMP will use the detailed CTMP to reflect the circumstances prevailing during the period in which decommissioning is to be carried out*". This is acceptable and appropriate as it is clearly not possible now to predetermine what local highway conditions will be like in 2089 when decommissioning is expected to commence.

### 7.22 Outline Construction Traffic Management Plan [APP-287]

41. Paragraph 1.3.1 states in part that the oCTMP is: "*an evolving document that will be updated prior to construction to reflect any considerations made during the DCO process, and to add detail that arises from the post-determination procurement and Engineering Principal Contractor (EPC) appointment. A Final CTMP and Operation Traffic Outline Construction Traffic Management Plan Management Plan (OTMP) in substantial accord with this Outline CTMP, will be approved by Wiltshire Council and South Gloucestershire Council, as the local planning and highway authorities, prior to construction commencing*". The future need for a 'detailed 'CTMP is accepted, but what may be preferably needed is separate CTMPs for the different Lime Down Sites, although it may be possible to combine these plans where works / signage needs are concurrent and use the same proposed construction access route (so for example Lime Down Sites A and B). It is noted that a lot of the oCTMP content is replicated from the Transport Assessment already reviewed, so comments already made are not replicated here. For example, Appendices A and B include the same Solar PV site and Cable Route access drawings as the Transport Assessment already reviewed.

42. Section 2.3 'Detailed Design' states in part that "*Prior to carrying out a work to the public highway, the detailed design of such works must be submitted to the highway authority for approval*". This goes on to say that this will include in part a construction programme for the works, a method statement, any traffic management proposals, detailed technical drawings and a Stage 1-2 RSA. This is welcomed but is not considered a substitute for 'requiring' bespoke highway agreements under Article 15 of the DCO for all works undertaken within the public highway. These agreements should subsume the technical approval requirement of all drawings and allied documentation for the design of

the permanent highway works anyway, which should not be a CTMP matter. Furthermore, formal agreements are needed to put in place, for example, Bond requirements, suitable indemnity provision for Wiltshire Council against claims arising from the undertakers works on the highway and provision for Wiltshire Council inspection / sign-off during construction including supervision fees. None of that is covered in the oCTMP.

43. Section 4.6 'Highway Improvement Areas' states in part "*All construction routes can accommodate construction vehicle movements, with Highway Improvement Areas in place. Where the construction routes pass through sections of road that are considered narrow and require widening or require surfacing works, these have been adopted into the design as 'Highway Improvement Areas'. This will ensure that sufficient passing room is present along the routes or traffic management is implemented to ensure the safe movement of construction vehicles*". As noted previously and based on the review of swept path drawings in Annex H to the Transport Assessment, the council has concerns that the identified extent of HIAs is insufficient and may lead to passage issues for HGVs along some of the minor roads excluded. This could lead to verge damage or potentially highway safety issues if conflicts result in a need for lengthy vehicle reversing movements to a suitable passing point.
44. Sub-section 6.1.2 'Road Condition Survey' discusses route lengths to be included in the surveys, this based on the council's earlier comments on the submitted Scoping Note for the Transport Assessment / oCTMP. However, having now reviewed the detailed swept path analyses in Annex H to the Transport Assessment, it is the council's Highways Development Management officer's view that coverage would need to be extended to include Fosse Way and potentially Alderton Road. It is noted that the oCTMP states that: "*The extent of the survey will be agreed with the local highway authority prior to commencement and as part of the Final CTMP*", so scope appears to be available to increase the before and after highway condition monitoring.

#### 7.24 Potential Main Issues for Examination [APP-289]

45. Section 2.11 and expressly Table 2.7 set out the PMIEs identified by Wiltshire Council. WC31 identified the need for more supporting background information concerning the predicted numbers of total HGV movements associated with the Solar Farm sites, which has been commented on above in reviewing the information now available in Annex E to the submitted Transport Assessment. However, now that the full content of the Transport Assessment is available, and expressly the swept path analyses in Annex H, there is a concern about available carriageway widths and passing opportunity for HGVs on some of the minor roads needed for construction access which lie outside the identified HIAs.

#### 7.26 Commitments Register [APP-291]

46. Comments have been made above elsewhere, but looking at 'Transport and Access' mitigations 'committed' to' in the table, one of these states: "All

*construction routes can accommodate construction vehicle movements, with Highway Improvement Areas in place. Where the construction routes pass through sections of road that are considered narrow and require widening, these have been adopted into the design as 'Highway Improvement Areas' which will ensure that sufficient passing room is present along the routes or traffic management is implemented to ensure the safe movement of construction vehicles".*

47. As commented, the council's Highways Development Management officer's concern is that the construction route lengths identified for HIAs in the DCO, so potentially needing localised carriageway widening of a permanent or temporary nature to facilitate HGV passage, are too limited in extent.

## **Appendix B** **Previous Correspondence on Draft DCO**

Wiltshire Council Comments on Draft DCO  
(5 September 2025)

5<sup>th</sup> September 2025

Development Management  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

DCO Planning Lead  
Lime Down Solar Park Limited  
Unit 25.7 Coda Studios  
189 Munster Road  
London  
SW6 6AW

Dear [REDACTED]

### RE: Lime Down Solar Park – Draft DCO for LPAs

Thank you for your email dated 15<sup>th</sup> August 2025 requesting that the council reviews and comments on the working draft of the draft Development Consent Order (DCO) for the Lime Down Solar Park scheme.

Council officers have reviewed the draft DCO for LPAs and the council's comments are set out below. These have been grouped under various headings for ease of reference. However, Wiltshire Council reserves the right to raise additional comments in subsequent reviews of the draft DCO once all information is contained within it and the council has had the opportunity to review it in context of the DCO application documentation.

#### Main Body of draft Order:

It is considered that it would aid navigation to include a list of Schedules within the Contents section.

The "commence" definition in Clause 2, Interpretation, will need to be amended to provide clarity as to exactly what is covered and / or excluded from this.

The council is concerned with the Disapplication and modification of legislation etc. contained in Clause 6. This is especially the case in relation to existing flood management and land drainage regulations. Without the opportunity to review the ES and outline management plans, there is insufficient information to ensure that there will be a sufficiently robust framework to address concerns arising under for example, the Land Drainage Act, particularly in relation to properties beyond the development boundary. Additionally, it has not been demonstrated how local bylaws will be adhered to in order to mitigate flood risk. Furthermore, the council objects to element (3), and specifically (3)(ea) of this Clause relating to the Hedgerows Regulations 1997. Due to the substantial size of the Solar PV sites and the large distance the cable route corridor will cover, this will likely have a considerable adverse impact on hedgerows, including upon protected and important hedgerows, which are legally protected for a sound reason. Hedgerows can also comprise a priority habitat / habitat of principal importance (HPI) under the NERC Act 2006. Additionally, although the PEIR proposed buffer distances from hedgerows, it would appear



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that the proposed modification to the Hedgerow Regulations would in effect, undermine and not comply with the mitigation measures for hedgerows detailed in the PEIR.

In respect of Clause 8, Street works of Part 3, Streets, all works proposed to be undertaken by the undertaker on maintainable highway will require a permit from the Wiltshire Council Streetworks team. Furthermore, a S50 licence will be required to be granted by the council's Streetworks team for the undertaker to place, keep or change its position. This is to ensure that the council can fulfil its duties and coordinate these works, in the same manner as for all other works on the highway. The council must retain full control in issuing permits, Temporary Traffic Regulation Orders and licences to ensure compliance and to ensure the network does not get overloaded with highways works.

The council does not accept the restrictions placed on issuing or refusing permits in Clause 9, Application of the permit schemes. There are already established processes in place to discuss permitting decisions made by the council.

In respect to Clause 10, Power to alter layout, etc., of streets, the council notes that the undertaker will need to enter into the necessary legal agreement to alter the layout of the highway. Please see comment below in relation to Clause 15 regarding the need to enter into a S278 agreement with the council.

Furthermore, in Clause 10(3), the word "reasonable" should be removed so that it is just to "the satisfaction of the street authority". All works will need to be completed to the standards authorised by the Highway Authority / Streetworks team. This should similarly apply to Clauses 11(1)(a) and 12(7).

In respect of Clause 12, Temporary closure, restriction or prohibition of use of streets and public rights of way, the undertaker must give 12 weeks' notice for any Temporary Traffic Regulation Orders (TTROs) to be processed and circulated. This includes temporary closures, prohibitions and temporary speed limits. The council's Streetworks team cannot guarantee the network being free when the undertaker requires it. There may also be a less intrusive form of traffic management or a different construction methodology that could negate the need for a disruptive closure.

Whilst it is acknowledged that the provisions within Clause 13, Use of private roads, does not relate to maintainable highways, notification to the council's Streetworks team will still be required.

In respect of Clause 14, Access to works, subsections (a) and (b) presume that the access points whether existing or new, and intended to permanent or temporary, are all approved in terms of location and Wiltshire Council would require technical approval of the details of the works. However, it is noted that required approval under (c) only appears to relate to any additional accesses beyond those set out in Schedule 8 which may be needed in due course. This is linked to the Council's comments on Schedule 2, Requirement 5.

The Council considers that the word "may" should be changed to "will" in Clause 15(1), Agreements with street authorities. It should therefore read: "15-(1). A street authority and



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the undertaker **will** enter into agreements with respect to- ". The council considers that a s278 Agreement under the Highways Act 1980 or another type of highway agreement will be required. A detailed construction programme will also be required. Please note this is considered to be mandatory by the council.

In respect of Clause 16, Traffic regulation measures, this appears to grant powers to the undertaker to introduce Temporary Traffic Regulation Orders (TTROs) outside the normal Traffic Regulation Order process governed by the 1984 Act. Whilst it is noted that 16(4) requires consultation with the chief officer of police and the written consent of the traffic authority, it is unclear how affected parties are able to object and what process will be followed in dealing with Objections. Clarity is required. Furthermore, the undertaker must give 12 weeks' notice for any TTROs to be processed and circulated, rather than the 4 weeks stated. This includes temporary closures, prohibitions and temporary speed limits. The council's Streetworks team cannot guarantee the network being available when the undertaker requires it. Furthermore, the council's Streetworks team is required to approve all traffic management plans and temporary signage placed on the highway during construction.

In respect of Clause 19(4), Protective works to buildings, it should be noted that the PEIR did not include comprehensive survey of the buildings within the solar PV sites to determine if the buildings support bat roosts. It is considered that this section of the dDCO could in effect override the avoidance / mitigation measures that the applicant has proposed in respect of buildings within the solar PV sites and which have already been discussed with the council. This is a concern. Any works to a building that comprises a bat roost will require a mitigation licence from National England which would need to be informed by a sufficient level of survey.

In Part 4, Supplemental Powers, the Applicant should consider the inclusion of Maintenance of drainage works.

In respect of Clause 40, Felling or lopping of trees and removal of hedgerows of Part 6, Miscellaneous and General, it is considered that the wording of this clause is ambiguous and may result in the loss of a substantive amount of protected hedgerow and trees of intrinsic value and of value to protected species, without any prior consultation with, or approval from Wiltshire Council. This is of concern, especially given the Clause 6(3), Disapplication and modification of legislation, etc., relating to the Hedgerows Regulations 1997. The council considers that an application should be made to the council to remove countryside hedgerow, given the potential adverse effects on a priority habitat / HPI and also on wildlife and biodiversity. Clarity is also required as to who makes the decision that the tree / shrub / hedgerow is causing an obstruction to the construction of the approved development. Impacts to trees and hedgerows could in turn result in killing / and or injury of protected species and loss of / impacts on bat roosts and nesting birds if survey is not first undertaken and / or suitable avoidance, mitigation and compensation measures implemented.

It is noted that Clause 41, Trees subject to preservation orders, only applies in instances where the tree preservation order was made after the date of this Order. Under normal planning powers, construction is carried out in accordance with the approved plans, and their



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compliance conditioned. This includes, but is not limited to, tree protection plans and arboricultural method statements. Any deviation away from these would require written approval from the LPA. It is the council's expectation that acceptable tree protection plans and arboricultural method statements would be approved by the LPA through the Construction / Operational Environmental Management Plans and / or the Landscape and Ecological Management Plan, which should apply to all Tree Preservation Orders, regardless of when they were made.

#### **Schedule 1 – Authorised Development:**

In order to effectively review Schedule 1, the council requires the Works Plans and the detailed description of proposed works to be included within other Schedules.

However, the council considers that the further associated development / ancillary works description needs to be strengthened to state: "In connection with and in addition to Work Nos. 1 to 10 further associated development within the Order limits, **which does not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement, including-**".

Furthermore, Schedule 1 should contain the full list of works required to mitigate any adverse effects of the development, including noise. It is imperative that all mitigation contained within the ES and / or agreed during the course of the Examination is directly secured through the DCO.

#### **Schedule 2 – Requirements:**

In respect of Requirement 2, Commencement of the authorised development, the Council considers that the Requirements should equally apply to the authorised development and any permitted preliminary works. This should be explicitly captured in this Schedule and may require the definitions in Part 1 Preliminary, to be amended. It is noted that "Commencement" is a key definition in a DCO as the authorised development cannot legally commence until all pre-commencement requirements have been discharged. Furthermore, it is considered that there should be some reference (or a further specific Requirement) to outline work phases linked to a phasing plan, unless it is the intention to deliver all scheme components in all areas at the same time.

The approval of the terms of reference for a community liaison group in Requirement 4, Community liaison group, is welcomed. However, further clarity is required in the description of this group and its associated Requirement as to its function. For example, would the community liaison group be involved in Community Benefit allocations, would there be any engagement on the final design of the scheme etc. Furthermore, it is noted that Requirement 4(3) indicates that this group would continue to meet until the date of final commissioning, unless otherwise agreed with the relevant planning authority. The council considers that this group should continue to meet during the initial period of scheme operation (e.g. for 6 years post final commissioning). Additionally, the council considers that the group should be re-established at least six-months prior to scheme decommissioning and continue until all decommissioning works have been completed.



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The council does not agree that Requirement 5, Detailed design approval, should be restricted to Work Nos. 1, 2 and 3. All work packages should be included.

In respect of Requirement 6, Battery safety management, it is noted that at present, the council would be responsible for the approval of the battery safety management plan, following consultation with the Environment Agency and the Dorset and Wiltshire Fire and Rescue Service. However, the council has previously expressed concern as to its in-house expertise in relation to this matter.

It is noted that Clause 7(3), Landscape and ecological management plan, indicates that the landscape and ecological management plan (LEMP) must be implemented as approved. The council has not yet had an opportunity to review the form and content of the outline LEMP, however it is expected that this would contain for example, scheduled inspections and monitoring requirements and would specify the replanting of plant failures annually etc. If this is not the case, then an additional Requirement would be required to cover this. The council may also request substantial amendments to the outline LEMP during the course of the examination.

It is further noted that the "must be implemented as approved" phrase is utilised in Clauses 7(3), 8(3), 9(3), 11(3), 12(4), 14(3), 16(4), 17(3), 18(4), 19(3) and 20(6). Typically, a monitoring requirement would be incorporated, and the council considers that this should be included in these Requirements.

The council has not yet had the opportunity to review the ecological protection and mitigation strategy in Clause 8 of this Schedule. However, the council expects that the outline ecological protection and mitigation strategy is likely to need to be strengthened during the course of the examination to address council concerns identified in its consultation responses. This would also apply to other management plans identified in this Schedule, for example, the Biodiversity Net Gain Strategy (Clause 9) and the Construction Environmental Management Plan (Clause 13).

Whilst it is acknowledged that the majority of the site lies within Flood Zone 1, this designation only indicates a low probability of fluvial flooding during extreme events. It does not, however, confirm that the development will not adversely affect downstream areas. The site drains into major river catchments, and it is essential that the potential impact of the proposed development on these catchments is fully assessed. Flood risk may increase through various pathways, including fluvial, pluvial, and groundwater flooding. Therefore, Requirement 11, Surface and foul water drainage, should include the management of flood risk and pollution control. It is the council's expectation the undertaker will provide detailed and evidence-based assessment of flood risk impacts, along with a clear strategy for compliance with relevant statutory and local requirements.

In respect of Requirements 13, Construction environmental management plan, and 14, Operational environmental management plan, it is considered that additional detail should be incorporated into these Requirements which explicitly specify the plans which form part



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of the CEMP and OEMP. For example, the Pollution Prevention Plan, Emergency Response Plan, Water Management Plan, Water Resources Plan etc.

Whilst the council welcomes the approval of the Construction traffic management plan in Requirement 15, it does not specifically relate to the details of the highway works themselves. The council requires technical approval of all highway works drawings. Please see comment in relation to Requirement 5 above.

It is noted that the PEIR references a Decommissioning Environmental Management Plan and a Decommissioning Traffic Management Plan, however these do not appear to have been included within Requirement 20, Decommissioning and restoration, or through a separate Requirement. Separate requirements will be required for these documents. Please note the minutes of a meeting between TPA and Wiltshire Council highways officers on 28<sup>th</sup> August 2025 explicitly state that that "the DCO will also include a requirement for a decommissioning CTMP".

Also in relation to Requirement 20, it is noted that under National Policy Statement (EN-3), applicants should set out what would be decommissioned and removed from the site at the end of the operational life of the generating station, considering instances where it may be less harmful for the ecology of the site to keep or retain certain types of infrastructure, for example underground cabling, and where there may be socio-economic benefits in retaining site infrastructure after the operational life, such as retaining pathways through the site or a site substation. Therefore, the Decommissioning and restoration Requirement (20) should include a clear list or scheme of project infrastructure and / or components that will be left in situ beyond the currently envisaged 60-year operational life of the scheme.

The council would also expect Requirement 20 to mandate that a financial bond and / or charge on the land be secured to ensure that scheme components could not be abandoned should the undertaker cease trading or were unable to transfer liability of restoration costs as a consequence.

Furthermore, the council considers that an additional specific Requirement for Community Benefit is required to be included. The provision of community benefit is an essential element of the Lime Down Solar Park scheme and the Community Benefit Fund should be secured through the DCO.

Additionally, it is the council's current expectation that a legally binding agreement, such as a S106 agreement, would be entered into in relation to this scheme to ensure that all mitigation is sufficiently secured. This requirement will be kept under review and confirmed during the course of the examination.

It is also noted that there is not a Requirement relating to a Register of Requirements. The council considers that there should be. The undertaker should be required to maintain an electronic register of the status of each Requirement, including whether approval has been applied for or given, and provide an electronic link to any document containing approved details. This is linked to the council's subsequent comment on Schedule 16.



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### **Schedule 3 – Legislation to be Disapplied:**

It is noted that the content of this Schedule is "TBC". The council will review the detail to assess whether it is considered appropriate, once it is available. However, please note the council's concerns and objections outlined under the Main Body of the DCO section above.

Please note that the council will also require to assess the detail once contained in Schedules 4, Streets Subject to Street Works, 5 Alteration of Streets, 6 Streets and Public Rights of Way, 7 Access to Works, 8 Traffic Regulation Measures, 12 Hedgerows to be Removed and 15, Protective Provisions Part 5, For the Protection of Drainage Authorities.

### **Schedule 4 – Streets Subject to Street Works:**

In addition to the point above relating to the need to review the details of this Schedule, it is noted that until the full details of the access works and also those associated with the Highway Improvement Areas are known, it will be difficult to specify the precise lengths affected. As noted within the separate comments the council provided on the scoping note submitted for the CTMP / TA, it still remains unclear whether certain minor roads used for access to Lime Down areas A and D will need improvements to provide suitable passing provision for two HGV's.

Furthermore, it is noted that the table refers to the "District of Wiltshire". The council considers that this should be amended to the "County of Wiltshire" or the "administrative area of Wiltshire Council". This would equally apply in Schedules 5, 6, 7, 8 and 12.

### **Schedule 7 – Access to Works:**

In addition to the point raised under Schedule 3 above, there needs to be sufficient detail provided to ensure all accesses as proposed for permanent or temporary access identified in these tables can operate safely. The visibility splays must be adequate and compliant with DMRB or MfS if the lesser standard is considered acceptable based on the nature of the road and the speed limit.

### **Schedule 8 – Traffic Regulation Measures:**

In addition to the point raised under Schedule 3 above, the council considers that it may be prudent to separate required Traffic Regulation Orders or measures which are permanent from those which are temporary.

### **Schedule 12 – Hedgerows to be Removed:**

The council has considerable concerns regarding the proposed approach to Hedgerow removal outlined within the draft DCO. The council require all pertinent information and detail to be provided, including the associated plans for cross-references purposes, so that this Schedule can be properly considered and commented upon.



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### **Schedule 13 – Documents and Plans to be Certified:**

The council considers that this list should be updated to include any other documents contained in Requirements. For example, the Decommissioning Traffic Management Plan and Decommissioning Environmental Management Plan etc.

### **Schedule 15 – Protective Provisions, Part 5 For the Protection of Drainage Authorities:**

In accordance with the comment raised under Schedule 3 above, the Council has included as an Attachment to this letter, Protective Provisions for the Protection of Drainage Authorities which the council considers suitable for inclusion here.

### **Schedule 16 – Procedure for the Discharge of Requirements:**

It is unclear from the current drafting of Schedule 16, Procedure for the Discharge of Requirements, whether the undertaker will be required to conduct any pre-submission consultation on proposed documents for discharge. The council considers that the Applicant should be required to undertake a least one round of consultation prior to submission for discharge to resolve any immediate issues and / or concerns with the proposed documents. This could also streamline the approval submission process to ensure that any major issues had the opportunity to be resolved prior to submission in an attempt to minimise refusals.

The Applicant should be required to submit details of consultation undertaken and the response to it as part of their discharge submission.

Furthermore, it is noted that there is no stated obligation for the Applicant to maintain a Register of Requirements to alert the public, community and / or other stakeholders of the status of the documents and to allow visibility of the approved documents. The council considers that this should be included, and a separate Requirement incorporated into the DCO (see comment under Schedule 2 – Requirements above).

The council considers that the timeframe specified in Clause 2(1) and the provisions set out in Clause 2(2) of this Schedule should be reflective of those in operation under articles 27-29 to the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The council should be given 8 weeks to give notice of its decision and, in the event of a longer period elapsing with no decision being made, that there be a requirement for the applicant to first give notice of what effectively would be a deemed discharge of the Requirement.

Additionally, in respect of Clause 5 of this Schedule, which covers Fees, the council requires additional wording to be included against each numerical charge to state "**or the fees applicable at the time of application by the Applicant**".



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Please do not hesitate to contact me, or the appropriate member of my team, should you have any questions or wish to discuss anything relating to this response.

Yours sincerely,



Nic Thomas  
Director of Planning, Economy and Regeneration

**Attached:** Proposed Protective Provisions for the Protection of Drainage Authorities

### **Proposed Protective Provisions for the Protection of Drainage Authorities**

1. The provisions of this Part have effect for the protection of the drainage authority unless otherwise agreed in writing between the undertaker and the drainage authority.

2. In this Part of this Schedule—

“construction” includes execution, placing, altering, replacing, relaying and removal and excavation and “construct” and “constructed” is to be construed accordingly;

“drainage authority” means in relation to an ordinary watercourse, the drainage board concerned within the meaning of section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1991(a);

“drainage work” means any ordinary watercourse and includes any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage or flood defence in connection with an ordinary watercourse which is the responsibility of the drainage authority;

“independent review” means a review carried out by a third party confirming the findings of the undertaker in the assessment of the impact of the proposed specified work on flood risk;

“ordinary watercourse” has the meaning given by section 72 (interpretation) of the Land Drainage Act 1991;

“plans” includes any information reasonably required by the drainage authority including location details, grid references, sections, drawings, specifications, assessments and method statements; and

“specified work” means so much of any work or operation authorised by this Order as is in, on, under over or within 8 metres of a drainage work and which comprises any of the following works carried out in relation to or which may affect any ordinary watercourse—

(a) the erection of any mill, dam, weir, or other similar obstruction to the flow of an ordinary watercourse, or raising or otherwise altering any such obstruction;

(b) the construction or installation of a bridge or other structure;

(c) the erection of a culvert in an ordinary watercourse;

(d) the alteration of an ordinary watercourse or a culvert or other form of drainage infrastructure in a manner that would be likely to affect the flow of an ordinary watercourse;

(a) 1991 c. 59. Section 23 was amended by paragraph 192 of Schedule 22 to the Environment Act 1995 (c. 25), paragraphs 25 and 32 of Schedule 2 to the Flood and Water Management Act 2010 (c. 29) and S.I. 2013/755.

- (e) the introduction by means of any channel, siphon, pipeline or sluice or by any other means whatsoever any water into any ordinary watercourse within the Order limits so as to directly or indirectly increase the flow or volume of water in any ordinary watercourse within the Order limits without the previous consent of the drainage authority;
- (f) any work likely to obstruct flow or adversely affect the integrity of any embankment, wall or enclosing structure containing an ordinary watercourse.

3. (1) Before commencing construction of a specified work, the undertaker must submit to the drainage authority plans of the specified work, including an independent review and such further particulars available to it as the drainage authority may within 14 days of the submission of the plans reasonably request.

(2) The undertaker must not commence construction of the specified work until approval, unconditionally or conditionally, has been given as provided in this paragraph.

(3) A specified work must not be constructed except in accordance with such plans as may be approved in writing by the drainage authority or determined under paragraph 12.

(4) Any approval of the drainage authority required under this paragraph—

- (a) must not be unreasonably withheld or delayed;
- (b) is deemed to have been given if it is neither given nor refused within 28 days of the submission of the plans for approval, or submission of further particulars (where required by the drainage authority under sub-paragraph (1)) whichever is the later; and
- (c) may be given subject to such reasonable requirements as the drainage authority may make for the protection of any drainage work, for the protection of any ordinary watercourse or for the prevention of flooding.

(5) Any refusal under this paragraph must be accompanied by a statement of the reasons for refusal.

4. Without limiting paragraph 3, the requirements which the drainage authority may make under that paragraph include conditions requiring the undertaker at its own expense to construct such protective works, whether temporary or permanent, during the construction of the specified work (including the provision of flood banks, walls or embankments or other new works and the strengthening, repair or renewal of existing banks, walls or embankments) as are reasonably necessary—

- (a) to safeguard any drainage work against damage by reason of any specified work; or
- (b) to secure that the efficiency of any drainage work for flood defence and land drainage purposes is not impaired, and that the risk of flooding is not otherwise increased, by reason of any specified work.

5.
  - (1) Subject to sub-paragraph (2), any specified work, and all protective works required by the drainage authority under paragraph 4, must be constructed—
    - (a) without unreasonable delay in accordance with the plans approved or deemed to have been approved or settled under this Part of this Schedule; and
    - (b) to the reasonable satisfaction of the drainage authority, and an officer of the drainage authority is entitled to watch and inspect the construction of such works.
  - (2) The undertaker must give to the drainage authority—
    - (a) not less than 14 days' notice in writing of its intention to commence construction of any specified work; and
    - (b) notice in writing of its completion not later than 7 days after the date of completion.
  - (3) If the drainage authority reasonably requires, the undertaker must construct all or part of the protective works so that they are in place before the construction of the specified work to which the protective works relate.
  - (4) If any part of a specified work or any protective work required by the drainage authority is constructed otherwise than in accordance with the requirements of this Part of this Schedule, the drainage authority may by notice in writing require the undertaker at the undertaker's expense to comply with the requirements of this Part of this Schedule or (if the undertaker so elects and the drainage authority in writing consents, such consent not to be unreasonably withheld or delayed) to remove, alter or pull down the work and, where removal is agreed, to restore the site to its former condition to such extent and within such limits as the drainage authority reasonably requires.
  - (5) Subject to sub-paragraph (6) and paragraphs 9 and 10, if within a reasonable period, being not less than 28 days from the date when a notice under sub-paragraph (4) is served on the undertaker, the undertaker has failed to begin taking steps to comply with the requirements of the notice and subsequently to make reasonably expeditious progress towards their implementation, the drainage authority may execute the works specified in the notice and any reasonable expenditure incurred by it in so doing is recoverable from the undertaker.
  - (6) In the event of any dispute as to whether sub-paragraph (4) is properly applicable to any work in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, the drainage authority must not except in an emergency exercise the powers conferred by sub-paragraph (5) until the dispute has been finally determined in accordance with paragraph 12.
6.
  - (1) Subject to sub-paragraph (5), the undertaker must from the commencement of the construction of the specified work maintain in good repair and condition and free from obstruction any drainage work which is situated within the limits of deviation on land held by the undertaker for the purpose of or in connection with the specified

work, whether or not the drainage work is constructed under the powers conferred by this Order or is already in existence.

(2) If any drainage work which the undertaker is liable to maintain is not maintained to the reasonable satisfaction of the drainage authority, the drainage authority may by notice in writing require the undertaker to repair and restore the work, or any part of the work, or (if the undertaker so elects and the drainage authority in writing consents, such consent not to be unreasonably withheld or delayed), to remove the specified work and restore the site to its former condition, to such extent and within such limits as the drainage authority reasonably requires.

(3) Subject to sub-paragraph (4) and paragraphs 9 and 10), if, within a reasonable period being not less than 28 days beginning with the date on which a notice in respect of any drainage work is served under sub-paragraph (2) on the undertaker, the undertaker has failed to begin taking steps to comply with the reasonable requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, the drainage authority may do what is reasonably necessary for such compliance and may recover any reasonable expenditure reasonably incurred by it in so doing from the undertaker.

(4) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (2), the drainage authority must not except in a case of emergency exercise the powers conferred by sub-paragraph (3) until the dispute has been finally determined in accordance with paragraph 12.

(5) This paragraph does not apply to—

- (a) drainage works which are vested in the drainage authority, or which the drainage authority or another person is liable to maintain and is not prevented by this Order from so doing; and
- (b) any obstruction of a drainage work for the purpose of a work or operation authorised by this Order and carried out in accordance with the provisions of this Part of this Schedule provided that any obstruction is removed as soon as reasonably practicable.

7. Subject to paragraphs 9 and 10 and sub-paragraph 6(5)(b), if by reason of the construction of any specified work or of the failure of any such work the efficiency of any drainage work for flood defence purposes or land drainage is impaired, or that drainage work is otherwise damaged, such impairment or damage must be made good by the undertaker to the reasonable satisfaction of the drainage authority and, if the undertaker fails to do so, the drainage authority may make good the impairment or damage and recover from the undertaker any expenditure incurred by the drainage authority in so doing from the undertaker.
8. If by reason of the construction of the specified work the drainage authority's access to flood defences or equipment maintained for flood defence purposes is materially obstructed, the undertaker must provide such alternative means of access that will allow the drainage authority to maintain the flood defence or use the equipment no

less effectively than was possible before the obstruction within 24 hours of the undertaker becoming aware of such obstruction.

9. The undertaker must make reasonable compensation for costs, charges and expenses which the drainage authority may reasonably incur—
  - (a) in the examination or approval of plans under this Part of this Schedule;
  - (b) in the inspection of the construction of the specified works or any protective works required by the drainage authority under this Part of this Schedule; and
  - (c) in the carrying out of any surveys or tests by the drainage authority which are reasonably required in connection with the construction of the specified works.
10. (1) The undertaker must make reasonable compensation for costs and losses which may be reasonably incurred or suffered by the drainage authority by reason of—
  - (a) the construction of any specified work comprised within the authorised works; or
  - (b) any act or omission of the undertaker, its employees, contractors or agents or others whilst engaged upon the construction of the specified works.

(2) In sub-paragraph (1)— “costs” includes—
  - (a) expenses and charges;
  - (b) staff costs and overheads; and
  - (c) legal costs; and

“losses” includes physical damage.

(3) The undertaker must make reasonable compensation for liabilities, claims and demands against the drainage authority arising out of or in connection with the specified works or otherwise out of the matters referred to in sub-paragraphs (1)(a) and (1)(b).

(4) In sub-paragraph (3)—  
“claims” and “demands” include as applicable—
  - (a) costs (within the meaning of sub-paragraph (2)) incurred in connection with any claim or demand; and
  - (b) any interest element of sums claimed or demanded; and

“liabilities” includes—
  - (a) contractual liabilities;
  - (b) tortious liabilities (including liabilities for negligence or nuisance);
  - (c) liabilities to pay statutory compensation or for breach of statutory duty; and
  - (d) liabilities to pay statutory penalties imposed on the basis of strict liability (but does not include liabilities to pay other statutory penalties).

(5) The drainage authority must give to the undertaker notice of any such claim or demand.

(6) The undertaker may at its own expense conduct all negotiations for the settlement of the same and any litigation that may arise therefrom.

(7) The drainage authority must not compromise or settle any such claim or make any admission which might be prejudicial to the claim without the agreement of the undertaker which agreement must not be unreasonably withheld or delayed.

(8) The drainage authority must, at all times take reasonable steps to prevent and mitigate any such claims, demands, proceedings, costs, damages, expenses or loss.

(9) The drainage authority must, at the request of the undertaker, afford all reasonable assistance for the purpose of contesting any such claim or action and is entitled to be repaid its reasonable expenses reasonably incurred in so doing.

11. The fact that any work or thing has been executed or done by the undertaker in accordance with a plan approved or deemed to be approved by the drainage authority, or to its satisfaction, or in accordance with any directions or award of an arbitrator, does not relieve the undertaker from any liability under this Part of this Schedule.

12. Any dispute arising between the undertaker and the drainage authority under this Part of this Schedule, if the parties agree, is to be determined by arbitration under article 44 (arbitration), but otherwise is to be determined by the Secretary of State acting jointly on a reference to them by the undertaker or the drainage authority, after notice in writing by one to the other.

## **Appendix B** **Previous Correspondence on Draft DCO**

Island Green Power's Response to Wiltshire Council Comments on Draft DCO  
(22 October 2025)

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22 October 2025

### Lime Down Solar Park – Comments on the Draft DCO

Dear Mr [REDACTED]

I'm writing following the provision of comments from Wiltshire Council ('the Council') on the draft Development Consent Order ('DCO') which were sought prior to the submission of the DCO application. As you will be aware the draft DCO was issued to the Council on 15 August 2025 along with an invitation to review and make comments on its contents. Comments were provided by the Council on 5 September 2025.

To assist the Council with understanding how these comments were considered in the draft DCO submitted with the DCO application, attached to this letter is a table which provides a response to each comment made. We appreciate that not all draft application documents were available at the time comments were made, and you will note from our response that many of the points raised are dealt with in the various outline management plans that support the application, where mitigation is secured. In relation to the points raised about DCO drafting, we have provided justification where necessary and signposted to the relevant precedents where applicable.



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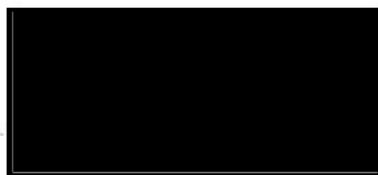
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At a recent meeting of the Steering Group, we offered to provide a detailed discussion on the comments provided by the Council on the draft DCO, once a decision on acceptance was provided by the Planning Inspectorate. Now that the Planning Inspectorate has confirmed acceptance of our application and noting the Council will want some time to consider the response table attached to this letter, please let us know suitable dates and times for this discussion to take place.

Thank you for providing the comments and we look forward to hearing from you.

Yours sincerely,



Will Threlfall  
Senior Project Development Manager  
On behalf of Lime Down Solar Park Limited



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### Response to Wiltshire Council comments on the Draft DCO

Provision	Wiltshire Council suggested change	Agreed / not agreed	Response
<b>Main body of the draft order:</b>			
N/A	Inclusion of a list of Schedules on the contents page.	N/A	The list of Schedules is included on the contents page once the Development Consent Order ("DCO") is finalised to ensure accuracy. The table of contents has been included in the draft DCO submitted as part of the application.
Article 2 ( <i>Interpretation</i> )	Amendment to the definition of 'commence.'	Not agreed.	The Applicant considers the current definition as drafted to be sufficiently clear. This drafting has precedent in numerous made solar DCOs including the <b>East Yorkshire Solar Farm Order 2025</b> , the <b>Gate Burton Energy Park Order 2024</b> and the <b>Mallard Pass Solar Farm Order 2024</b> .
Article 6 ( <i>Disapplication and modification of legislation, etc.</i> )	Article 6 (1) – Removal of the disapplication of regulations in relation to flooding.  Article 6 (3) – Removal of this provision.	Not agreed.	In relation to Article 6 (1), section 120 (5) of the Planning Act 2008 ("PA 2008") provides that, subject to specified limitations and requirements, a DCO may apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the Order.

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		<p>The disapplications within Article 6 are sought on the basis that they address matters that will already have been sufficiently considered and resolved if the Order is made. Therefore, there isn't a need for further regulatory consideration or control as this has the potential to unjustifiably delay the implementation of the Scheme.</p> <p>Section 150 PA 2008 only allows requirements for prescribed consents to be disapproved if the relevant body has consented to this. The relevant consents, where applicable, are being sought in parallel with the negotiation of appropriate protective provisions, which will ensure that the disapplications will not prejudice the statutory objectives and responsibilities of the relevant regulators.</p> <p>This approach has precedent in <b>the Cleve Hill Solar Park Order 2020, the Longfield Solar Farm Order 2023, the Mallard Pass Solar Farm Order 2024, the Cottam Solar Project Order 2024 and the West Burton Solar Project Order 2025</b>.</p> <p>Article 6 (3) amends the Hedgerows Regulations 1997 so as</p>
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			<p>to make the Scheme equivalent to development under a Town and Country Planning Act 1990 ("<b>TCPA 1990</b>") planning permission. That is to say that the removal of hedgerows will only be permitted when required by the DCO and Article 6 (3) does not provide the undertaker with a blanket removal power. Hedgerow mitigation and enhancement will also be contained within the Landscape and Ecological Management Plan ("<b>LEMP</b>") which is secured by Requirement 7 in Schedule 2 of the draft DCO.</p>
Article 8 (Street works)	Works permitted by Article 8 to require a permit from the Council and a licence under s50 of the New Roads and Street Works Act 1991 (" <b>NRSWA 1991</b> ").	Not agreed.	<p>Article 8(2) expressly provides that the undertaker's powers to carry out street works are conferred as a statutory right for the purposes of the NRSWA 1991.</p> <p>Government [REDACTED] notes that the licensing requirements contained within section 50 NRSWA 1991 do not apply where an organisation has a statutory right. Therefore, a licence is not required, and such works will be authorised by the DCO.</p> <p>The undertaker will however remain subject to the notification and procedural requirements of</p>

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			<p>NRSWA 1991 as set out in Article 8(3).</p> <p>This article has precedent in <b>the Longfield Solar Farm Order 2023, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024 and the West Burton Solar Project Order 2025.</b></p>
Article 9 ( <i>Application of the permit schemes</i> )	Removal of restrictions in relation to issuing and refusing permits.	Not agreed.	<p>It is necessary for Article 9 to modify the Council's permit schemes in order to provide certainty of the delivery of the Scheme within the necessary timeframe for grid connection.</p> <p>The first modification prevents the permit scheme from acting as a moratoria. The second restricts the conditions that may be imposed pursuant to the permit scheme to ensure that they do not leave the undertaker unable to comply with the Order or with the conditions in the Order that control the powers it grants. This reflects that development consent is intended to provide a single, unified planning consent for the authorised development, with any limits and restrictions on the powers being contained within the Order itself. The final modification is to apply the appeal process in Schedule 16 to the Order to any</p>

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			<p>decision to refuse a permit or to grant a permit with conditions. This does not restrict the use of any appeal mechanism that may be included within each permit scheme, but enables any disagreement about matters that may restrict the ability of the undertaker to implement the Authorised Development to be subject to a single appeal procedure.</p>
Article 10 ( <i>Power to alter layout, etc., of streets</i> )	<p>Obligation for the undertaker to enter into an agreement under s278 of the Highways Act 1980 in order to exercise powers under Article 10.</p> <p>Article 10 (3) – Removal of the word "reasonable."</p>	Not agreed.	<p>A separate agreement will not be necessary as the undertaker's powers relating to the alteration of streets are conveyed by Article 10 of the DCO as opposed to the Highways Act 1980 ("HA 1980"). Any agreement with the street authority would therefore be pursuant to Article 15 of the DCO and not section 278 of the HA 1980. It should be noted however that Article 15 and section 278 address the same aspects of design approval, bond and sign off.</p> <p>The inclusion of <i>reasonable</i> within Article 10 (3) is to ensure that the undertaker is not required to restore altered streets to a better standard than that of the street prior to the alteration. Therefore, the restoration of the street would be to the satisfaction of the Local</p>

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				<p>Highway Authority or landowner unless betterment is sought.</p> <p>Article 10 is widely precedented and appears in the <b>Longfield Solar Farm Order 2023</b>, the <b>Gate Burton Energy Park Order 2024</b>, the <b>Cottam Solar Project Order 2024</b> and the <b>West Burton Solar Project Order 2025</b>.</p>
Article 12 <i>(Temporary closure, restriction or prohibition of use of streets and public rights of way)</i>	Amendment to include a provision that the undertaker must give 12 weeks' notice to the Council before using powers under Article 12 in relation to the closure, restriction or prohibition of use of streets.	Not agreed.	The powers provided by Article 12 are effected by Article 16 which requires 4 weeks' notice to be given to the police and the traffic authority before the exercise of the powers. Article 16 also requires the undertaker to publish a notice in a local newspaper 7 days before any temporary provision is made.	
Article 13 <i>(Use of private roads)</i>	Amendment to require the undertaker to notify the Council in	Not agreed.	Temporary provisions in this instance are governed by the DCO and not the Road Traffic Regulation Act 1984 and therefore the Local Highway Authority is not required to make any Temporary Traffic Regulation Orders ("TTROS") in order to facilitate the Authorised Development, as such, 12 weeks' notice is not required.	

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	relation to the use of private roads.		Currently, there is no basis for the request which would provide an additional, unnecessary administrative burden.
Article 14 (Access to works)	Amendment to require technical approval by the Council for all access points.	Not agreed.	Technical approval by the Council is not required as the permanent and temporary means of access set out in Part 1 and Part 2 of Schedule 7 respectively are approved by Article 14. Access works however would be secured through the discharge of the Construction Traffic Management Plan ("CTMP") via Requirement 15 which requires approval from the Council prior to the commencement of the Scheme. The technical process for implementing works can also be subject to an agreement under Article 15. Approval by the Council in consultation with the Local Highway Authority will be required for any additional means of access as per Article 14 (c).
Article 15 (Agreements with street authorities)	Article 15(1) - Amendment to replace "may" with "will".	Not agreed.	The current drafting is appropriate as Article 15 applies to street authorities and therefore includes all private roads. "May", as opposed to "will", is required here as it would be inappropriate to require an agreement to be entered into in relation to all private streets.

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			<p>Article 11 also ensures that any altered streets will be completed to the reasonable standard of the street authority and, unless agreed otherwise, will be maintained at the expense of the undertaker for 12 months from the date the alteration is completed.</p>
Article 16 ( <i>Traffic regulation measures</i> )	Inclusion of a provision relating to an objection process for the use of powers under Article 16 and amendment of the 4 weeks' notice required to 12 weeks' notice.	Not agreed.	<p>Article 16 provides the undertaker with a general power to make temporary traffic regulation measures. While there is no objection process, the inclusion of this power is justified as it allows a degree of flexibility to respond to changing conditions on the road network over the lifetime of the Scheme. The general power is appropriately regulated as it may only be exercised with the consent of the traffic authority concerned.</p> <p>Given that there is no requirement for the Local Highway Authority to make any TTROs in order to facilitate the Authorised Development, 12 weeks' notice is not required.</p>
Article 19 ( <i>Protective works to buildings</i> )	Article 19 (4) - Amendment to require bat surveys and mitigation licensing for any works to buildings.	Not agreed.	<p>This Article is required because there are buildings within, and in close proximity to, the Order land that might feasibly require surveys and protective works as a result of the authorised development. This,</p>

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			<p>however, does not remove any obligation to obtain a protected species licence under the Conservation of Habitats and Species Regulations 2017.</p> <p>This article has precedent in <b>the Longfield Solar Farm Order 2023, the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024 and the West Burton Solar Project Order 2025.</b></p>
New Article	Inclusion of a new Article in relation to maintenance and drainage works.	Agreed.	This is agreed.
Article 40 ( <i>Felling or lopping of trees and removal of hedgerows</i> )	Inclusion of a provision requiring consultation with the Council prior to the exercise of powers under Article 40.	Not agreed.	The powers conferred by Article 40 are controlled by the Landscape and Ecological Management Plan ("LEMP") which is secured in the DCO and subject to approval by the Council as per Requirement 7 within Schedule 2.
Article 41 ( <i>Trees subject to tree preservation orders</i> )	Amendment to require approval of tree protection plans and arboricultural method statements by the Council for all trees subject to preservation orders.	Not agreed.	Article 41 is limited to the trees subject to Tree Preservation Orders ("TPOs") listed at Part 4 of Schedule 12 of the draft DCO along with any trees that are within or overhanging the Order limits subject to TPOs made after the date of the Order. The purpose of this is to ensure that TPOs are not used as a tool to impede delivery

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			<p>by protecting trees once it is too late to specifically authorise works to them within the Order. It is appropriate as any making of a TPO would be done with knowledge of the development authorised by the Order.</p> <p>This approach is based on similar drafting in <b>the Cleve Hill Solar Park Order 2020</b>, <b>the Cottam Solar Project Order 2024</b> and <b>the A122 (Lower Thames Crossing) Development Consent Order 2025</b>.</p>
<b>Schedule 1 – Authorised Development:</b>			
N/A	Amendment to require associated development to not give rise to materially new or materially different environmental effects; and inclusion of detailed descriptions of works to mitigate adverse effects of the development within Schedule 1.	Not agreed.	The suggested drafting is not required as all further associated development must "fall within the scope of the environmental impact assessment recorded in the environmental statement". This drafting ensures that any ancillary works must be within the <i>Rochdale Envelope</i> that has been assessed, and therefore has the same effect as the Council's proposed wording. The Applicant's drafting reflects a drafting preference of the Secretary of State for Energy Security and Net Zero to make explicit reference to the environmental statement to

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			<p>restrict the scope of ancillary works.</p> <p>Schedule 1 describes the authorised development, and as set out in article 3, the authorisation to construct the works in Schedule 1 is subject to the provisions of the Order and the Requirements set out in Schedule 2. The Requirements secure the detailed measures required to mitigate the adverse effects of the Scheme, through requiring detailed management plans to be approved by the relevant planning authority. This approach secures mitigation in the same way as a planning condition, whilst providing sufficient flexibility to ensure that the mitigation provided is tailored to the detailed design produced post-consent. All mitigation required for the Scheme is secured directly by the DCO Requirements.</p>
<b>Schedule 2 – Requirements:</b>			
Requirement 2 ( <i>Commencement of the authorised development</i> )	Amendment to require that all Requirements under Schedule 2 apply equally to the authorised development and any permitted preliminary	Not agreed.	Permitted preliminary works are specifically a limited class of activities without environmental effect and surveys. Most Requirements have no relevance to the permitted preliminary works, and the Permitted

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	works, and to include reference to work phases linked to a phasing plan.		<p>Preliminary Works are consistent with what is authorised by the Town and Country Planning Act 1990 as not amounting to commencement of development under a planning permission. Where a Requirement is relevant for the Permitted Preliminary Works, this is expressly identified within the Requirement. The purpose of distinguishing between Permitted Preliminary Works and other works is to ensure such activities can be undertaken without triggering Requirements connected to "Commencement" of the Scheme.</p> <p>There is currently no plan for any formal phasing of works and the inclusion of such a plan at such an early stage would unduly constrain the implementation of the Scheme. The Council will have comfort however that as Requirements are discharged that it will be kept informed of the nature and timing of works as they progress.</p>
Requirement 4 (Community liaison group)	Amendment to extend the operation of the Community liaison group into the initial period of operation and	Partly agreed.	While the construction period is expected to represent the worst-case scenario for effects from the Scheme on receptors, the Applicant recognises the value of continuing the operation of the community liaison group into the

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	during decommissioning.		start of the operational phase. This requirement has been amended to provide meetings of the group to continue for one year after final commissioning, providing a mechanism for feedback over the first year of operation. Requiring the community liaison group to be in place for 6 years is not proportionate, but the Requirement does not preclude a different period from being in place where agreed with the relevant planning authority.
Requirement 5 <i>(Detailed design approval)</i>	Inclusion of all Work Nos. within Requirement 5.	Not agreed.	This is not necessary as all above ground infrastructure Work Nos. are captured within Requirement 5. The remaining Work Nos. are either subsoil or are captured by the other Requirements within Schedule 2.
Requirement 6 <i>(Battery safety management)</i>	Amendment to reflect the Council's current lack of expertise in relation to battery safety management plan approval.	Not agreed.	This is noted. Requirement 6 (3) ensures that the Council must consult with Dorset and Wiltshire Fire and Rescue Service and the Environment Agency before determining an application for approval of the Battery Safety Management Plan. Requirement 6 does not preclude the Council from seeking its own independent advice on fire safety however the consultation mechanism ensures that such input can be provided by

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			Dorset and Wiltshire Fire and Rescue Service and the Environment Agency.
Requirement 7 ( <i>Landscape and ecological management plan</i> )	Amendment to include monitoring requirements.	Not agreed.	The outline management plans contain monitoring requirements. These will be included in the detailed management plans which will be subject to approval by the Council. As the plans are secured by the relevant Requirements within the DCO, implementation will include monitoring.
Requirement 8 ( <i>Ecological protection and mitigation strategy</i> )			
Requirement 9 ( <i>Biodiversity net gain</i> )			
Requirement 11 ( <i>Surface and foul water drainage</i> )			
Requirement 12 ( <i>Archaeology</i> )			
Requirement 14 ( <i>Operational environmental management plan</i> )			
Requirement 16 ( <i>Public rights of</i>			

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<i>way and permissive paths)</i>  Requirement 17 <i>(Soil management)</i>  Requirement 18 <i>(Skills, supply chain and employment)</i>  Requirement 19 <i>(Site waste management)</i>  Requirement 20 <i>(Decommissioning and restoration)</i>			
Requirement 13 <i>(Construction environmental management plan)</i>  Requirement 14 <i>(Operational environmental management plan)</i>	Amendment to explicitly specify the plans that form the Construction Environmental Management Plan ("CEMP") and the Operational Environmental Management Plan ("OEMP").	Not agreed.	The plans contained within the CEMP and the OEMP are listed within those documents. These are secured by relevant Requirements within the DCO.
Requirement 20 <i>(Decommissioning and restoration)</i>	Amendment to include separate requirements for a Decommissioning Environmental Management Plan and	Not agreed.	Requirement 20 obligates the undertaker to provide a decommissioning plan to the Council for approval. This must be in accordance with the outline

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	<p>a Decommissioning Traffic Management Plan, and to specify infrastructure to be removed or retained at the end of the Scheme's operational life, with provision for a financial bond or charge to secure restoration.</p>	<p>decommissioning strategy which will incorporate a Decommissioning Environmental Management Plan and a Decommissioning Traffic Management Plan. Detail will then be confirmed when the Scheme is decommissioned no later than 60 years following the date of final commissioning. Failure to comply with this requirement is a criminal offence.</p> <p>The Applicant notes that there is no policy requirement for a decommissioning fund to be imposed and paragraphs 2.10.146 to 2.10.151 of NPS EN-3 set out the considerations for the Secretary of State in relation to project lifetime and decommissioning of solar developments. The Applicant considers that Requirement 21 complies with paragraphs 2.10.146 to 2.10.148 of NPS EN-3.</p> <p>The Secretary of State has considered this point in previous decisions for solar projects under the Planning Act 2008 and determined that imposing a decommissioning fund requirement is not necessary.<sup>1</sup></p>
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<sup>1</sup> For example, see paragraphs 4.44 and 4.45 of the Secretary of State's Decision Letter for the Oaklands Farm Solar Park

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			<p>This is consistent with paragraph 4.1.16 of NPS EN-1 which stipulates that the Secretary of State should only impose requirements that are, amongst other things, necessary, and the requirement in paragraph 4.1.16 of NPS EN-1 that only relevant requirements should be imposed.</p>
New Requirement	Inclusion of a new Requirement relating to community benefit.	Not agreed.	<p>It is not possible to include a Requirement relating to community benefit as this would not meet the necessary requirements under section 122 of the Community Infrastructure Levy Regulations 2010.</p> <p>The Applicant has committed to a community benefit fund. This does not form part of the DCO application and this funding is not required to mitigate the impacts of the Scheme. Therefore, it cannot be taken into account in the decision making process for determining the DCO application. However, it will be available to fund local projects.</p>
N/A	Mitigation to be secured through an agreement under section 106 Town and	Not agreed.	Mitigation will be secured within the relevant management plans. A section 106 agreement would not be appropriate here.

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	Country Planning Act 1990.		
New Requirement	Inclusion of a new Requirement relating to a register of requirements.	Not agreed.	No Register of Requirements is necessary to make the Scheme acceptable in planning terms. This is an administrative request only.
<b>Schedule 4 - Streets subject to street works:</b>			
N/A	Amendment to update references from "District of Wiltshire" to "County of Wiltshire" or "administrative area of Wiltshire Council" in all relevant Schedules.	Agreed.	Agreed.
<b>Schedule 8 - Traffic regulation measures:</b>			
N/A	Separation of permanent and temporary measures.	Not agreed.	As per Article 16 (1) and (2), all traffic regulation measures listed in Schedule 8 are temporary.
<b>Schedule 13 - Documents and plans to be certified:</b>			
N/A	Inclusion of all documents contained within Schedule 2 - Requirements.	Not agreed.	Schedule 13 contains documents that form part of the application that are certified. The documents referenced that are also included within Schedule 2 are outline documents. The final versions are not submitted as part of the application and as such are not contained within Schedule 13.

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**Schedule 16 – Procedure for discharge of requirements:**

New Clause	Inclusion of a clause requiring the Applicant to undertake pre-submission consultation.	Not agreed.	Such a Requirement is not necessary, and it would be difficult to quantify in the DCO drafting, the degree and appropriate level of pre-consultation that is proportionate to the Requirement in question being discharged. Failing to consult prior to seeking the discharge of a Requirement is at the undertaker's risk as there may be an increased chance of rejection or requests for further information, and so the Undertaker is commercially incentivised to front-load issues as much as possible to ensure a streamlined discharge process. The Applicant also notes that the discharge of Planning Conditions are not subject to pre-submission consultation requirements.
Clause 2 <i>(Applications made under requirement)</i>	Amendment to align the timeframe for discharge of Requirements with the Town and Country Planning (Development Management Procedure) (England) Order 2015.	Not agreed.	The timescales included are widely precedented in previously made solar DCOs.

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Clause 5 (Fees)	Inclusion of wording for each fee to limit fees to those applicable at the time of the application.	Not agreed.	The fees proposed are consistent with those widely included in made Solar DCOs. The Undertaker considers the fees proposed are reasonable and proportionate.
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**Appendix C**  
**Draft Minutes from Wiltshire Council Cabinet Meeting**  
**6 January 2026**

## Cabinet

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**MINUTES OF THE CABINET MEETING HELD ON 6 JANUARY 2026 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

**Present:**

[REDACTED]

**Also Present:**

[REDACTED]

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**1    Apologies**

No apologies for absence were received.

**2    Declarations of Interest**

There were no declarations of interest.

**3    Leader and Cabinet Announcements**

The Leader made the following announcement that he would be undertaking a scheduled operation on Friday 9 January, which could possibly take him away from work for a period of time whilst he recovered.

**4    Public Participation and Questions from Members**

It was noted that no public questions had been received for the meeting.

During Members questions, the following matters were raised:

- [REDACTED] asked for clarification as to whether there had been a change to Portfolio Holders in terms of the Education Area. It was clarified by the Leader that such changes would be announced at the meeting of Full Council on 7 January 2026.
- [REDACTED] wished to speak on the closure of Lower Compton Household Recycling Centre, however due to technical difficulties with the live stream he agreed to take this to a Cabinet meeting on a later date.

**5    Lime Down Solar Park Statutory Consultation**

[REDACTED], Cabinet Member for Strategic Planning, Development Management, and Housing presented a report on the Lime Down Solar Park Statutory Consultation.

[REDACTED] provided a brief summary of the papers before Cabinet, which outlined that The Lime Down Solar Park scheme had been designated as a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008. It was being promoted by Island Green Power, the Applicant, to secure a Development Consent Order (DCO). The NSIP process involved detailed engagement with the general public, local communities and stakeholders in advance of a decision being made by the Secretary of State for Energy Security and Net Zero.

Detail was provided that the proposal covered approximately 1,237 hectares of land for solar PV energy generation, battery storage, associated infrastructure and landscaping, heritage, surface water and biodiversity mitigation areas. The scheme would have up to a 500 MW export connection, 250 MW import connection and 500 MWh battery storage and would be anticipated to be operational for a period of 60 years and be decommissioned from 2089.

Furthermore, the period to submit a Relevant Representation on the DCO application was open from 30 October 2025 until 9 January 2026 and that one of the primary purposes of the Relevant Representation was to highlight the principal issues to be considered during the examination to the Examining Authority.

[REDACTED] Cabinet Member for Highways, Streetscene and Flooding outlined that since the report had been published, a number of discussions had taken place with parties involved and therefore there was an importance of making sure that the Council's response the views of local communities and also that the response aligned with previous Cabinet resolutions. It was therefore outlined that an amendment would be proposed in order to encourage maximum joint working with Stop Lime Down (SLD) and to ensure the wording of the Council's Relevant Representation takes account of evidence currently being prepared by SLD's consultants and advisors.

[REDACTED] provided details of the amendment as follows:

**1) That the Executive Summary of the Council's Relevant Representation be amended as set out below. The paragraph numbers correspond with the paragraphs of the Cabinet report and the amended wording is in bold.**

- Para 26. **Add...** Carbon break-even is not until **at least 2076, and may never be achieved** in relation to whole life carbon emissions...
- Para 32. **Add** at the beginning of the paragraph **The area has experienced frequent and significant flooding events.**
- Para 33. **Delete...** **'the Council considers that the assessment methodology is robust and generally compliant. It is agreed that the residual harm is 'less than substantial' but'**...

- Para36. **Add...** The scheme will increase pressure on PROW, and **adversely** alter user's recreational experience.
- Para 37. **Add...** From a public protection perspective, **further analysis of noise levels is required. Operational noise from moving panels, BESS...** Whilst the air quality and dust migration measures **appear to be** broadly acceptable.
- Para 38. **Add...** total spending of **at least £1.76m** per year.
- Para 39. **Delete...** **without additional protective infrastructure...**
- Para 40. **Add to the Executive Summary paragraph 50 of the Cabinet report which deals with wellbeing and mental health.**
- Para 42. **Delete...** **net positive carbon savings and...**

2) That the main body of the report be amended where necessary in order to be consistent with the revised Executive Summary.

3) The final report will be reviewed and approved by the Cabinet Member for Strategic Planning, Development Management and Housing before submission to the Planning Inspectorate.

[REDACTED] Cabinet Member for Finance spoke on the report and acknowledged that Wiltshire Council had limited experience with national infrastructure projects therefore learning was taking place including from other authorities who had previous experience. The danger of omission was stressed with particular reference made to flooding, and that omission would enable the proponents of the scheme to make a case against Wiltshire Council as the planning authority. It was therefore hoped that the opinions of representatives of communities of Wiltshire and the planning authority itself would be taken with considerable weight by the Inspector and that this would not have a lack of emphasis due to omission.

[REDACTED] referred to the Environment Agency's assessment of the Malmesbury area and surrounding villages, however lived experience suggested that flooding was a serious problem in this area, with it suggested that functioning solar panels would exacerbate the issue following drain off as well as the speed in which water would reach the rivers in the Malmesbury area. It was therefore stressed that he urged the Inspector to examine issues around flooding and noise, as well as the impact on the Grade 1 listed building located close to the site.

[REDACTED] Cabinet Member for Environment, Climate and Waste spoke about how he had grown up in the area and had experienced the beautiful natural environment it had to offer. Cllr Sample noted that though there was a requirement to generate electricity in a sustainable way, this project opposed the approach of the Cabinet, with reference made to community owned energy projects that were taking place across the county, with profits reinvested locally.

[REDACTED] Cabinet Member for Economic Development, Regeneration and Assets stated that the Inspector should be encouraged to consider the impact upon areas as wide as possible, not just close to the site,

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using language that captures the strength of feeling and allows for all relevant matters to be considered.

The Leader of the Council then provided Members of the public with an opportunity to speak on the item as follows:

- [REDACTED] spoke about how he had purchased Bradfield Manor, a Grade 1 listed building close to the site. He explained that due to its historic nature and character and that there was only 9,300 of such buildings in the country. He was stressed that such areas should be protected and that Wiltshire Council should be an advocate for the maintenance and protection of heritage. [REDACTED] referred to the damage caused to communities and the local environment, stating that the scheme would be 15 miles from the nearest national grid connection in Melksham and that such schemes should be contained. The visual impact of the scheme on his property was also stressed.
- [REDACTED] made it clear that he fully supported [REDACTED] proposed amendment. He provided an overview of the background of the Stop Lime Down organisation as well as the experience and expertise that the organisation possessed. He made it clear that he endorsed the strong concerns that other speakers had raised during the debate and that it he would not repeat what others had said. Reference was made to potentially irreparable environmental damage that the scheme would cause and spoke about the importance of the examination phase which was set to take place. The need for Wiltshire Council and Stop Lime Down to work together was stressed.

The Leader of the Council provided assurance that though there had been technical issues experienced with the live stream, the meeting had still been recorded and would be available online for people to view after the meeting.

[REDACTED] Leader of the Conservative Group, acknowledged that though the amendments were helpful to an extent, there was a concern that there was constraint in the way in which the Council was not challenging in a way that it could. He stated that whilst the council's detailed response identified numerous issues, many of these could be addressed by the applicant, which would limit their effectiveness as objections. The particular issue of flooding was also referenced and he encouraged residents to submit evidence of local flooding whenever it occurred, particularly as we are currently in the wet season so problems will be apparent. [REDACTED] suggested that the Council should take a stronger and more assertive position, especially on critical matters such as listed building impacts and wider strategic concern and that government should also be pressed for clearer guidance. In particular, [REDACTED] raised the following four areas in which he believed the scheme did not comply with the NPPF:

- Cumulative impact – This was referenced within the report but not effectively questioning the scale of the development. He referred to a smaller development in Yorkshire being challenged on a number of grounds. It was suggested that there had to be an effective argument as

a planning authority on the cumulative landscape impact and impact on the lives of residents. The scheme raised a new concept of cumulative impact which if the Inspector deemed was not cumulative impact, could affect how future applications are considered.

- Flooding – It was suggested that the Council must have its own evidence on flooding rather than rely on the data provided by the Environment Agency, with reference to previous examples of ground water flooding.
- Best and Most Versatile Land – Reference was made to the scheme including 878ha of land removed from food production, including 30% best and most versatile land. The NPPF stated that the best and most versatile land should not be used for solar farms unless exhaustive searches had been carried out to ensure no other land was viable. The applicants had suggested that no other land could be found, however it was suggested that there was a lot of land available within the area therefore allowing the planning authority to challenge.
- Sustainability – Reference was made to how a 22KM cable connection would be required to connect the scheme to the national grid and that if this was a housing development 22KM from the nearest road, the NPPF would deem it unsustainable. Cllr Clewer strongly challenge sustainability of this scheme.

[REDACTED] responded to the points made and outlined that the executive summary element had a maximum word limit of 1,500 words, therefore placing a need for the response to be concise whilst aiming to achieve the maximum impact. The Cabinet Member agreed that the points made by [REDACTED] were valid and noted that the cumulative effect had been included within paragraph 23 of the response. He recommended anyone making a submission to emphasise the points raised by [REDACTED]

The Leader of the Council provided other Members an opportunity to speak on the item, during which [REDACTED] raised a number of points, including that this item had not had enough time for scrutiny to take place. [REDACTED] spoke regarding the examination phase and the need for the Council to have a quality team in place which would come at a cost to the Council. It was therefore questioned whether the Council was prepared for this stage given its importance. In addition, [REDACTED] cited that the applicant was relying on the Rochdale Envelope to make their case and therefore had proposed a worst-case scenario, this therefore raised the question as to whether the Council was satisfied this was worst-case scenario in reality. Cllr [REDACTED] suggested that the estimated carbon emissions included by the applicant in their submissions was incorrect and did not consider the maintenance aspect of the project as well as the manufacturing of solar panels in [REDACTED] potentially using coal fire.

The Leader and Cabinet Members were provided with an opportunity to respond. It was confirmed that no further amendments would be proposed given the tight timescale to conclude the council's response and submit to the Planning Inspectorate. Cabinet members were grateful for the views expressed by those who had spoken during the meeting. It was acknowledged that this was not the end of the process and that there was a desire for the scope for examination to include the areas of concern which would need to be examined

in as much detail as possible. Further reference was made to the points raised about best and most versatile land as well as cumulative impact and how these might be further stressed in the response given their significance to the case. Assurance was also provided that the Council was taking the examination process seriously whilst recognising the need to be sensible with taxpayers' money. Recognition of the expertise and experience possessed by the campaign group and officers was further referenced and reinforced.

[REDACTED] noted that he would take the comments raised during the meeting on board. He confirmed that he would be carefully reviewing the final amended version of the response before it is submitted to the Planning Inspectorate. He also stated that the minutes of the meeting would be submitted alongside the response to capture a summary of the key issues raised by those speaking at this Cabinet meeting. [REDACTED] stated that though the Council supported renewable energy, this application did not strike the right balance of protecting Wiltshire.

**Resolved:**

- 1) That Cabinet note the contents of the report.**
- 2) That Cabinet agree the proposed response (Appendix 1) as the council's Relevant Representation.**
- 3) That Cabinet delegate authority to the Director for Planning, Economy and Regeneration to finalise the response and make any necessary changes to it prior to submission to the Planning Inspectorate.**
- 4) That Cabinet acknowledge that the council will submit additional responses during the course of the examination, in accordance with previously agreed delegated authority provisions.**
- 5) That the Executive Summary of the Council's Relevant Representation be amended as set out below. The paragraph numbers correspond with the paragraphs of the Cabinet report and the amended wording is in bold.**
  - **Para 26. Add... Carbon break-even is not until at least 2076, and may never be achieved in relation to whole life carbon emissions...**
  - **Para 32. Add at the beginning of the paragraph The area has experienced frequent and significant flooding events.**
  - **Para 33. Delete... 'the Council considers that the assessment methodology is robust and generally compliant. It is agreed that the residual harm is 'less than substantial' but'...**
  - **Para 36. Add... The scheme will increase pressure on PROW, and adversely alter user's recreational experience.**
  - **Para 37. Add... From a public protection perspective, further analysis of noise levels is required. Operational noise from moving panels,**

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**BESS...** Whilst the air quality and dust migration measures **appear to be** broadly acceptable.

- Para 38. **Add...** total spending of **at least £1.76m** per year.
- Para 39. **Delete...** **without additional protective infrastructure...**
- Para 40. **Add to the Executive Summary paragraph 50 of the Cabinet report which deals with wellbeing and mental health.**
- Para 42. **Delete...** **net positive carbon savings and...**

- 6) **That the main body of the report be amended where necessary in order to be consistent with the revised Executive Summary.**
- 7) **That the amended Relevant Representation be reviewed and approved by the Cabinet Member for Strategic Planning, Development Management and Housing before submission to the Planning Inspectorate.**

*Reason for Decision:*

*Wiltshire Council is the primary Host Authority for this NSIP scheme, and one of the key statutory consultees. By providing a detailed response to the Examining Authority in its Relevant Representation, the council has the opportunity to influence the key areas to be considered during the examination. The response also highlights where it is considered that further mitigation and additional and / or strengthened commitments are required. This will enable the council to continue to work with Island Green Power and other key stakeholders to further develop the scheme proposals.*

6 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.00 am - 11.32 am)



Press enquiries to Communications, direct line 01225 713114 or email [communications@wiltshire.gov.uk](mailto:communications@wiltshire.gov.uk)

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23 January 2026

Dear resident

## **Road closure on Westlands Lane, 26<sup>th</sup> January – 27<sup>th</sup> March 2026**

As you may know, SSEN Distribution and Verdant Energy will soon be closing Westlands Lane to carry out cabling works. Please note, this is separate from National Grid Electricity Transmissions' ongoing works at Melksham substation.

We've been working closely with both developers to make sure our HGV deliveries can continue to follow our traffic management plan.

To help with this, we've agreed that HGVs will be able to arrive and leave via Westlands Lane to the west, using the B3353. This route avoids the railway bridge, Beanacre, and the A350 during the road closure.

Due to the road closure, our contractors won't be able to use the alternative route and will need to travel through Beanacre when arriving at and leaving the site. We appreciate your patience and understanding during this period. Once the road reopens, our team will return to the agreed traffic management plan.

If you have any questions about our work at Melksham substation, please email us at [box.melksham@nationalgrid.com](mailto:box.melksham@nationalgrid.com).

You can also call us for free on 0800 138 5541 and leave a message. Our team will then respond, typically between 9am and 5pm Monday to Friday.

Thank you for your continued understanding as we complete our essential upgrade activity.

Kind regards

*Ryan Murley*

Ryan Murley

Project Manager

National Grid

## Teresa Strange

---

**From:** Teresa Strange  
**Sent:** 29 January 2026 15:00  
**To:** Corps, Kimberly  
**Cc:** Alford, Phil (Phil.Alford@wiltshire.gov.uk); Peter Richardson  
**Subject:** Follow up after meeting to discuss highway concerns of cumulative cable routes to Melksham substation and streetworks issues

Dear Kim

Further to the recent meeting on Cumulative Impact of proposed energy schemes etc, I am following up with the original request (below), as you said at the meeting that you were unaware of the highways issues.

Since then, there has been the commencement of a 9-week road closure on Westlands Lane in Beanacre. We are grateful that this road closure includes two cable route schemes and the two contractors working together under one road closure; thank you for Wiltshire Council ensuring this work happened together.

The work commenced earlier in the week on Monday 26<sup>th</sup> January. There has been absolutely no usual street works notification that we routinely see and share widely. We did ask about this when the work first started at the end of last year, with no notice either. The contractors send out letters, they rely on the post which arrives after the work has started, and certainly after road signage advising of the closure which puts the residents and the local councillors in a really difficult position as they have no idea of the scope of works and restrictions etc; and residents who use those roads as part of their daily commute are not aware as live wider than the letter drop.

Can you please advise why we don't get the usual notification, we would if it was for highways work, and even for urgent utility works. This enables residents to plan for longer journeys, access for building work, changes to bus routes etc etc rather than coming across the road closure on the day.

The two contractors did hold public drop-in sessions, after much pressure and persuasion from the local council/lors and they have been very misleading for residents, and some scant or wrong information presented – one of the info boards showed connecting to a site in Norfolk. Still no sign of promised website with information and FAQs.

Whilst we understand that these are utility works, and the contractors have a statutory right to undertake the work, we don't understand why they are treated differently from other Street Works and feel they should be under the same scrutiny, and for these multiple cable route works on the highways, the cumulative impact taken into account and a level of scrutiny, co-ordination and encouragement by Wiltshire Council for effective community engagement. We are aware that Wessex Water have to close Westlands Lane to repair a water leak and will have to close the road and have told residents it will be in 3 months' time, just when its re-opened again.

We have a comprehensive list of highways improvements that could be implemented as community benefit from these contractors to go some way of compensating for the impact that this is having on residents' daily life and want to discuss how we best go about getting these implemented as Wiltshire Council is the local highway authority. We also want to understand what conditions there are for the repair to the highways from all of these works.

We look forward to hearing from you,  
With kind regards, Teresa

Teresa Strange  
Clerk & Responsible Financial Officer  
Melksham Without Parish Council

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Market Place, Melksham  
Wiltshire, SN12 6ES  
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**Wellbeing Statement** I may send emails outside office hours but never with any expectation of response. Please just get back to me when you can within your own working hours. Thank you.

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Follow us on facebook: Melksham Without Parish Council or Teresa Strange (Clerk) for additional community news

On X: @melkshamwithout

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**From:** Teresa Strange  
**Sent:** 14 November 2025 17:42  
**To:** Smith, Martin <[martin.smith@wiltshire.gov.uk](mailto:martin.smith@wiltshire.gov.uk)>; samanthahowell <[samantha.howell@wiltshire.gov.uk](mailto:samantha.howell@wiltshire.gov.uk)>  
**Cc:** Alford, Phil (Phil.Alford@wiltshire.gov.uk) <[Phil.Alford@wiltshire.gov.uk](mailto:Phil.Alford@wiltshire.gov.uk)>  
**Subject:** Request for meeting to discuss highway concerns of cumulative cable routes to Melksham substation and streetworks issues

Dear Cllr Smith and Sam Howell

Melksham Without Parish Council request a meeting with you both to discuss their concerns on the roadworks and highways effect of solar, BESS and National Grid/SSEN infrastructure on the communities in Melksham Without North, namely the villages of Whitley, Shaw and Beanacre.

This is reflective of the impact on the local community and consistent calls for enforcement action and health & safety issues following the first stages of initial schemes; and the new community centred approach of Wiltshire Council, particularly the priority to listen to local concerns to support communities to feel safe and thrive.

In recent weeks, road works on Corsham Road, Whitley have resulted in:

- Work being halted by the contractor further to a safety inspection
- Ground works collapsing and fracturing a gas main
- Damage to a resident's private property
- Damage to a resident's car

- Spoil from digger bucket landing in resident's garden and narrowly missing elderly resident
- Access to residents' properties via plates over the trench initially refused
- Breaches of Streetworks permits and lack of community engagement by contractors

And in Westlands Lane and its junction with the A350 at Beanacre, continual breaking of the route required by Construction Management Plans, resulting in oversize vehicles having to reverse the length of Westlands Lane and then out onto the busy A350 when they reach the weight limit bridge.

Many energy schemes will be routed through the communities of Whitley and Shaw, to connect to the substation in Beanacre, below is a snapshot of what we are currently aware of, and there are concerns there will not be the capacity in the roads to accommodate them all. In line with your "Highways Explained" section on the website. *"The council, as the Highway Authority, cannot stop a SU from working on a road but it does have the power to instruct that the SUs work collaboratively, and to coordinate works from multiple SU applications where possible"*. This is something we are keen to explore with you as it feels like there is no co-ordinated approach at all at present and a lot of forthcoming schemes in the pipeline with many with planning permission in place.

-  10 Known BESS Schemes
-  11 Known NESO Connections to Substation (cable runs)
-  7 National Grid Projects at Melksham Substation
-  7 Solar Farms
-  9 Future Energy Landscape candidate projects

We welcome the opportunity to meet with you to discuss the community's concerns, along with the local resident group CAWS (Community Action: Whitley & Shaw).

With kind regards,

Teresa Strange  
Clerk & Responsible Financial Officer  
Melksham Without Parish Council  
First Floor  
Melksham Community Campus  
Market Place, Melksham  
Wiltshire, SN12 6ES  
01225 705700  
[www.melkshamwithout-pc.gov.uk](http://www.melkshamwithout-pc.gov.uk)

**Wellbeing Statement** I may send emails outside office hours but never with any expectation of response. Please just get back to me when you can within your own working hours. Thank you.

Want to keep in touch?

Follow us on facebook: Melksham Without Parish Council or Teresa Strange (Clerk) for additional community news  
On X: @melkshamwithout  
On Instagram: melkshamwithoutpc  
On LinkedIn: Melksham Without Parish Council

# **Inviting participation in the Future Energy Landscapes (FEL) project**

## **Briefing Note No. 26 - 01**

**Service :** *Climate Team*

**Further Enquiries to:** Victoria Burvill / Jordan Clydesdale

**Date Prepared:** 06/12/2025

**Direct Line:** [climate@wiltshire.gov.uk](mailto:climate@wiltshire.gov.uk)

### **Summary**

#### **Wiltshire Council is inviting participation in the Future Energy Landscapes (FEL) project.**

The Future Energy Landscapes project explores how Wiltshire can meet future energy needs in a sustainable, locally appropriate, and community-led way; enabling communities to help shape the way energy is produced and used in their area.

Anyone across the county can take part via online surveys and engagement events, even if they're not in a pilot area.

**Please help by promoting the project to your constituents, encouraging participation, and attending workshops where possible.**

### **Background**

The way energy is generated is changing, with renewable energy often being decentralised, which can both impact and involve local communities. Wiltshire Council's Climate Strategy is supportive of renewable energy generation as part of efficient and environmentally sensitive use of land, and the council is particularly interested in supporting local energy generation that is led and owned by the community. One of the ways the council is doing this is through a project called 'Future Energy Landscapes'. This is not just about meeting net zero targets, it's about creating a future that communities support and benefit from, through an open and accessible process for everyone.

Future Energy Landscapes (FEL), is an engagement process developed by the Centre for Sustainable Energy and fully funded by Ofgem's Redress Fund, which enables communities to start conversations and shape practical solutions for renewable energy and energy efficiency in their local areas. This supports Wiltshire's climate change ambition.

Wiltshire Council is working with the Centre for Sustainable Energy and community energy partners in six pilot areas to develop community-led energy strategies. FEL uses an innovative engagement process to build awareness and social acceptance for renewables, ensuring solutions are practical, inclusive, and reflect local priorities while delivering real benefits. This can also be used to shape neighbourhood plan policies.

The Redress Fund reinvests money from energy companies into projects that could benefit consumers and the environment, helping communities explore energy use and renewable generation. FEL gives communities the information, time, and support to develop their own local energy vision.

The project started working with the first pilot community areas in summer 2024 and will continue with new pilot areas throughout 2026.

## Why It matters

Energy generation and use are central to Wiltshire's climate goals and the national drive to increase renewable energy. Rising energy costs mean many households struggle to heat their homes, making affordable, clean energy more important than ever. While public support for renewables is generally high, it often declines when projects are proposed locally, highlighting the need for better engagement. FEL addresses this challenge by working directly with communities to shape solutions that reflect local priorities and landscapes, tackling both climate change and fuel poverty. Councillors play a vital role in connecting residents and stakeholders to this process and ensuring their voices are heard.

## Pilot areas

The selection of six pilot areas is based on professional and technical analysis of criteria such as renewable energy potential, grid capacity, as well as the presence and interest of local environmental groups and local councils.

People living or working in these areas can join a workshop to understand more about renewables and start developing a community-led plan or potential project ideas:

- Corsham
- Pewsey and Manningford
- Staverton, Hilperton, Semington and Great Hinton (TBC)
- Tisbury
- Westbury
- Winsley, Holt and Bradford on Avon

**However, anyone in Wiltshire can take part in the project via the online survey and engagement events.** This is not limited to the residents within the pilot areas, as the impacts and benefits of renewable energy generation do not necessarily align with parish boundaries.

The first workshop took place in Corsham on 3 July 2025 at Corsham Town Hall, followed by Bradford on Avon, Winsley, South Wraxall and Holt on 12 November 2025, and Pewsey and Manningford area on 20 November 2025.

## Community partnerships

We are working with Bath and West Community Energy, Nadder Community Energy, and Zero North Wiltshire Community Energy to support community-led renewable projects.

These initiatives help communities to explore renewable energy projects that are community-led and owned; while bringing lasting benefits - from lower bills to reinvestment in local facilities - and are a key part of the [Wiltshire Council's Climate Delivery Plan \(2025\)](#).

## Community energy role

Community energy involves local, community-led generation of renewable energy, increasing the availability of green power while reducing pollution and carbon emissions. In the community energy model, the scheme is paid for through a community share offer which provides the opportunity for local residents to buy into the scheme, with a likely return on investment of up to 6%. Once shareholders have received their investment any profits from these projects stay within the community and supports local initiatives and tackling fuel poverty. The Community Energy England [website](#) explains more about community energy, and has a [map](#) showing successful examples.

The government has set a national ambition for 8GW of community energy generation by 2030, contributing to clean power targets and complementing commercial schemes. Building local awareness and involvement in renewable generation is essential to achieving climate goals and delivering social and economic benefits for communities.

## What the Future Energy Landscape approach offers

The workshops create space for open, honest dialogue about local energy needs and opportunities. They help build public awareness about renewables, provide opportunity for people to share their opinions and ideas and support residents to consider local energy generation, led and owned by the community.

The workshops, followed by a report, survey and much wider community engagement, aim to provide the community with enough information to decide whether they want to progress with developing a renewable energy generation scheme of their own. In some of the pilot areas there is additional funding to support the community with technical reviews and to decide on one project location to take forward for a full feasibility study through the Great British Energy Community Fund (GBECF).

## How councillors can help

- **Promote engagement**  
Please share our upcoming press releases and social media content through your networks, newsletters, and social channels. We have a press release and social posts scheduled for January which you can share.
- **Encourage attendance**  
Invite residents, businesses, and community groups to attend the workshops and contribute their views.
- **Participate in workshops**  
Your presence will demonstrate leadership and help ensure local voices are heard.

- **Provide feedback**

Share any insights from your communities that could inform the project. Share ideas of how best to engage the community in your area, e.g. existing groups, events or communication channels that could be used.

## Find out more

- [Wiltshire Council – Renewable Energy](#)
- [Project Announcement press release](#), published June 2025
- [Future Energy Landscapes \(FEL\)](#) – Centre for Sustainable Energy

For any questions, please contact [climate@wiltshire.gov.uk](mailto:climate@wiltshire.gov.uk)

**END**

# Share your thoughts on renewable energy in the Corsham area

Please complete this **short survey** to help us understand what people in Corsham and surrounding areas think about the possibility of a **solar farm or wind turbine** that could be **owned by the community**.



Scan or visit  
[forms.office.com](https://forms.office.com/e/aoLPy1cX9z)  
[/e/aoLPy1cX9z](https://forms.office.com/e/aoLPy1cX9z)

This is a follow-up survey from community events held in Corsham since July 2025. **This is your opportunity to have your say!**

For more information contact  
[communities@cse.org.uk](mailto:communities@cse.org.uk)  
or call 0117 934 1400



## Teresa Strange

---

**From:** Teresa Strange  
**Sent:** 29 January 2026 16:18  
**To:** Burvill, Victoria; 'Trigwell, Lynn'  
**Cc:** Peter Richardson; Alford, Phil (Phil.Alford@wiltshire.gov.uk)  
**Subject:** FW: Corsham FEL forum follow up survey ready to share!  
**Attachments:** QRCode for Community energy in Corsham and the surrounding areas - have your say.png; FEL Corsham survey poster.pdf; FEL Corsham survey poster (2).png

Hi Lynn and Vicky

Further to our meeting on Cumulative Impact and the proposed FEL schemes, I raised that we had not been in a position to be aware of the Corsham specific events to be able to attend and participate and that we would be forwarded information when available.

I am in receipt of the generic FEL communication to all parish and town councils, but have been sent the attached from Corsham Town Council; none of this specific information was sent to Melksham Without parish council.

Can we please be sent this information in the future, as agreed?

I can't see the original email to Corsham Town Council to see if there was further info to go with it.

Many thanks,  
Teresa

Teresa Strange  
Clerk & Responsible Financial Officer  
Melksham Without Parish Council  
First Floor  
Melksham Community Campus  
Market Place, Melksham  
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Want to keep in touch?

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community news

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**From:** David Martin <dmartin@corsham.gov.uk>  
**Sent:** 22 January 2026 16:47  
**To:** Teresa Strange <clerk@melkshamwithout-pc.gov.uk>  
**Subject:** FW: Corsham FEL forum follow up survey ready to share!

Hi Teresa,

Further to our chat on Friday, the attached came out today.

I thought it would be of interest.

Cheers  
Dave

David J Martin  
Chief Executive  
Corsham Town Council  
Town Hall  
High Street  
CORSHAM  
Wiltshire  
SN13 0EZ

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# Civility & Respect

IN COLLABORATION WITH SLCC, NALC, OVW, COUNTY ASSOCIATIONS





# Wilts & Berks Canal Trust

Patron: Her Majesty The Queen.

Restoring 70 miles of canal and towpath for the benefit of local communities, wildlife and leisure



Before



After

Credit: Howard Wilson

## Melksham, Calne & Chippenham and Foxham & Lyneham Branch Members Report for December 2025

### Chair's Report

Happy new year to you all - although by the time you are reading this we will already be halfway through January! Where does the time go? As you can read below our dirty boots volunteers both construction and green continue to work extremely hard although the wet weather has been making outdoor work difficult. Still on the bright side at least the canal is full !

More good news is that Clive Dorling has agreed to be the Project Manager for the Pewsham site as a whole. Exactly how this will work is still being discussed but hopefully it will take some of the pressure off the WPOs who at times are trying to manage projects, lead teams of volunteers as well as numerous other tasks.

We have also recently signed a Memorandum of Understanding (MoU) with Derry Hill and Studley Parish Council (part of the line of the canal falls under their parish). These MoUs are non-binding however allow us closer co-operation with the council so they become aware of our work and our ambitions which they will take into account when discussing relevant council issues. This follows on from the MoU we signed with Chippenham Town Council. We are looking to sign similar MoUs with Lacock and Bremhill Parish Councils.

Work is ongoing in looking to find improved access and parking for when we start to open up the Carpenters' Workshop to the general public.

## **Senior Leadership Team (SLT)**

Health & Safety stats continue to generally improve across all branches. Key points in comparing 2025 to 2024 include:

Number of worked hours at sites 24237, Safety inductions 21% increase, Safety training 6% increase, Safety meetings 12.5% increase, SHOC submittals 63% decrease, Toolbox talks 4% decrease. This is great to see and of course the MCC branch volunteers have contributed to this, so well done to all.

**Howard Wilson,**  
**Chairman - MCC and F&L Branch**  
howard.wilson@wbct.org.uk

## **Health & Safety**

There have been no reported accidents in December and indeed only a couple come to mind for the whole of 2025. Well done everyone.

There has been a lot of work undertaken to complete RAMS for the Carpenters Workshop (one completed and another just sent out for review plus another just being started). More RAMS will be required now that we have the funding to complete the fitting out of the Carpenters Workshop.

Work on the RAMS for Bottom Lock repairs was also completed and will be expanded to include the forming of the coping stones.

My thanks to all those who have contributed to and/or reviewed the RAMS to ensure that the final document meets the needs of the tasks being undertaken.

It is important that we continue to build on the 2025 H&S improvements as we move into the New Year. My aim is to make Health & Safety something we do not something we have to do. I look forward to your continued support.

Wishing everyone a happy, safe, and healthy New Year.

**Malcolm Hutchinson, H&S Advisor**

## **Work Parties**

### **Work Party Management Group**

There was no meeting in December.

### **Ray Canter, WPMG Chair**

#### **Pewsham Site**

**Top Lock Bridge:** The whole bridge is now finished and ready to be used. Members of the public have made comments to our volunteers admiring the work done. It now only remains to finish the roadway to allow vehicle access to the Carpenter's Workshop.

**Carpenter's Workshop:** Progress continues to be made on the fit out and installation of electrical wiring and the control systems for the solar panels and battery storage.

**Bottom Lock:** Further progress is being made in the lock chamber in removal of damaged areas ready for the replacement of brickwork.

**Navigable canal:** Our feeder stream brings in welcome quantities of fresh water to keep this length fully navigable, but unfortunately brings silt with it which builds up and restricts the depth in places. A long-term solution to this is being sought with the co-operation of the landowner. In the meantime, it is planned to hire a long reach excavator to dredge the deposits so that our boats can still reach Double Bridge.

### **Keith Vickery, Volunteer Lead**

#### **Other sites**

**Greenlane Farm & Pudding Brook:** Nothing to report this month.

**Studley Lane:** Nothing to report this month.

**Dauntsey Lock:** Nothing to report this month.

**7 Locks:** Sadly, due to the Christmas break, weather conditions and volunteer time pressures we have not be able to return to video the interior of the culvert that has a suspected leak. However, Ray C and I visited and the "stream" running along the canal bed at right angles to the culvert did not seem to be dropping water through the canal bed to the culvert, so the mystery has yet to be solved. We hope to get back early/mid-January 2026.

I have been in correspondence with a member of the Wessex Waterway Restoration Trust with regards to cooperative working along the canal line in this area and Dauntsey; a meeting is planned.

### **Dave Maloney, WPO**

## **Projects**

### **Peterborough Arms**

Despite the Christmas period December was a busy month for volunteers.

During the early days of restoration 2014/15, we had a buildings inspection carried out by a volunteer who had been in such line of work, and he uncovered damage to the end of a beam in the bar area. We subsequently discovered this was due to decades of water getting to the beam end from a damaged

windowsill in the bedroom above. The beam was repaired by a local builder using a steel cradle method. Although the windowsill was made watertight 2024, we carried out another temporary repair to the windowsill as sprinklers of water were reportable getting into the window seat area below the beam when it rained. Volunteers carried out basic inspection of the beam, taking the floor up in the bedroom above to access, and were not comfortable with what they saw so a structural engineer was called in. He advised precautionary acrow props be installed in the bar and below in the cellar so a more detailed repair could be carried out. The Trust has commissioned MLDE of Devizes to deal with this issue which will involve planning, listings officers and a suitable company to affect the repair.

I requested the engineer to return to site early January to carry out inspections of the beams in the cellar.

Unfortunately, there are also issues with the sloping roof at the rear of the pub and it looks as if a whole section of tiles will have to be removed, new battens and felt fitted (there currently is no felt) and tiles re-laid. Estimates are coming in for this work.

We may need to carry out some fund raising to cover these costs and volunteer cake bakers maybe required!!

On a brighter note, we found a weather opportunity to give the front doors a much need coat of fresh paint that matches the rest of the external woodwork shade.

### **Dave Maloney, Project Lead**

#### **Carpenter's Workshop**

December found most volunteers helping with the final push/clear up/scaffold removal at Top Lock Bridge. However, behind the scenes planning and material purchases took place, until my Trust debit card reached its limit!! During the Christmas break volunteers spent time surveying quantities of materials for works in the annex and seeking suppliers. Orders for these materials will be placed in early January.

The water treatment plant & Rainwater scavenging systems were ordered and due delivery early January 2026.

Method Statements and Risk Assessments for various tasks were researched and written up.

### **Dave Maloney, Project Lead**

#### **Dry Dock**

No work to sponsored tiles will be carried out until the spring of 2026.

### **Dave Maloney, Project Lead**

#### **Melksham Link**

In their meeting on 9<sup>th</sup> December, the EA and Wiltshire Council agreed to meet again on 29th January. Although this meeting will be just about Melksham Link, we are once more, not invited. We have been assured that we will be invited to a subsequent meeting, hopefully in February, to discuss the EA's apparent wish to "work in partnership with WBCT" to progress our planning application.

River conditions have not been suitable for our consultants to carry out the beaver survey, but the current dry spell may permit this to go ahead in early January.

There is no further progress on the masterplan to fund construction of Melksham Link.

### **Paul Lenaerts, Project Manager**

## **Environmental**

This month we have been completing jobs across various sites covered by the MCC.

Early in the month, a fallen tree was cleared from the footpath at Green Lane Farm.

The hedge laying from the Compound down to Bottom Lock, started last month, was completed. We now need to determine exactly where the Lime Kiln was located, to avoid fencing that area.



Credits Howard Y



Credit Howard Y

The dead hedge and coppiced area past Gordon's Meadow were completed. The Bluebells planted there should be visible in the Spring.



Credits Howard Y

The fallen tree over the culvert was removed, which will allow access to the culvert for review and repair.



Credits Howard Y

The annual Birdbox survey was started with half of the Pewsham boxes, together with all those at the Green Lane Farm site checked, cleaned and the status recorded. To date around 70% of those checked were used last year. The survey will be completed next month, ahead of the next nesting season.

Further log deliveries were completed this month by Dave M, ahead of Christmas and the New Year period. This used up all the dry seasoned wood from the wood pile and the next batch of logs needs to be processed.



Credit Dave M

### **Howard Yardy, Wildlife Officer**

## **Boats**

With the canal well filled it was possible to run Boswell as far as the "wet section" clearing off side vegetation. A similar task was undertaken mid-month but on this occasion, we could not get past the silt at "Hannah's brook" due to slightly lower water level.

### **Bob Howlett, Boats Officer**

## **Events**

The branch Christmas dinner was a great success for the 40 branch members who attended and I understand 3 guests who couldn't make it due to illness are now well. We were well looked after by the team at The Bell Inn, Lacock, the barn was toasty with good food and company in abundance.

We could do with a few more volunteers to help at the events in the Chippenham Museum on 19<sup>th</sup> February. This is generally a fun day working with visiting children (They have accompanying adults) to create bricks, dragonflies, painting etc. If you can spare a few hours on that date, please get in touch.

### **Dave Maloney, Chair - Events Committee**

## **Media Relations**

In December issued a press release to promote a New Year volunteer recruitment appeal. Melksham member David Peatfield kindly agreed to be profiled, following a previous request from the Melksham News for a local case study. David has only been a member for a couple of years but has already donated more than 1,000 hours to support the work at Pewsham Locks.

He said: “All of the volunteers come from different walks of life and have different skills, but they’re a great group of people and we always have a laugh and a joke. It’s also nice to be able to spend time outside and surrounded by nature.

“You look around Pewsham Locks and see what was built more than two centuries earlier. It’s hugely satisfying to think that our own efforts today will safeguard this site for many more years to come.” I included a photograph of David in front of the carpenter’s workshop.

The Melksham News are yet to run the story, but the appeal has already been featured by national magazine Canal Boat and on the websites of the Wiltshire Gazette & Herald, Wiltshire Times, Swindon Advertiser and Yahoo News UK. Further coverage is expected.



Credit: Justin G

David Peatfield outside the carpenter’s workshop being reconstructed at Pewsham Locks.

We also saw continuing coverage of the previous month’s press release regarding the £10,000 grant from an unnamed family foundation to support the purchase of an additional mini dumper truck.

The story was featured by national magazine Waterways World and included my photograph of volunteer Nick Baker with the vehicle in front of Top Lock, together with Howard Wilson’s photograph of the dry dock under construction. The article ended with a link to the ‘Pewsham Locks update’ page of the Trust website.

**Justin Guy, Media Relations Officer**

## **Branch Webpages & Digital Comms**

Since the last months report the central comms team have shared images/reports on work of other branches and the consultation taking place re proposed reservoir along the line near Abingdon.

At branch level during December, we shared on social media images and descriptions of numerous activities.

- Artist's impression of laden canal boat near Foxham in 19c.
- Overview of Pewsham Locks site and its projects.
- Top Lock Bridge in particular, including photos of the bridge with scaffold removed.
- Hedge laying at Pewsham.
- More wonderful photographs of wildlife along the MCC canal line taken by Sonia Hill
- General photos of our activities, showing volunteers to help encourage more to join our merry band ☺

**Dave Maloney**  
**Howard Wilson**  
**Howard Yardy**

## **Finances**

Much reduced activity in December.

Branch income was £160 donations for logs, and expenses were just £60 to empty the two toilets in November.

Also £12.50 bank charges, made up of a £4.50 monthly fee plus 75p per £100 cash deposited (from Pewsham open days, the quiz and branch meetings).

The branch bank account also received £80 donations towards the Carpenter's Workshop, and paid £138 of bills for the interior fit-out.

Bank balance at the end of the month was £2,992.

**Steve Roberts, Treasurer**

## **Membership (Info from SLT meeting)**

Nothing to report

**APPEAL REFERENCE: APP/Y3G40/W/25/3373278 - Land South of Snarlton Farm, Snarlton Lane, Melksham, SN12 7QP pursuant to PL/2024/070G7**

**Condition List – January 2026**

1. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application(s) for the approval of all reserved matters specified in Condition 4 shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. No application for reserved matters shall be submitted until there has been first submitted to and approved in writing by the Local Planning Authority a detailed Phasing Plan and order of delivery schedule for the entire application site indicating geographical phases for the entire development.

Where relevant these phases shall form the basis for the reserved matters applications, and each phase shall include within it the defined areas and the quantities of open market and affordable housing as well as the community area, POS, on-site BNG provision, and on-site play provision uses and associated infrastructure relevant to any given phase.

The 'order of delivery schedule' shall also specify the order in which each land parcel shall commence.

In addition, detailed plans and an order of delivery schedule for 'non-phase specific' landscape and ecology mitigation measures shall be submitted to and approved in writing by the local planning authority.

The development shall be carried out in strict accordance with the provisions of the approved phasing plan.

REASON: To ensure the proper planning and delivery of the development and to deliver a sustainable development which is in character with its surroundings and in accordance with the terms of the application.

4. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- a) The scale of the development.
- b) The layout of the development.
- c) The external appearance of the development.
- d) The landscaping of the site.

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

5. The development hereby permitted shall be carried out in a phased manner in accordance with the following approved plans and documents:

Dwg 05d, Location Plan, received on 22 May 2025;  
Dwg A14h, Development Parameters Plan, received on 22 May 2025;  
Dwg 18507-03-1 Rev C, Proposed Roundabout Site Access and Crossing Works (North Access), received on 22 July 2025;  
Dwg 18507-06, Proposed Roundabout Site Access (South Access), received on 22 May 2025;  
Dwg 18507-03-3 Rev A, Proposed Toucan Crossing, received on 4 September 2024;  
Ecological Impact Assessment (Produced by Ethos, issue V1, dated July 2024);  
Great Crested Newt Licensed Mitigation Strategy (Produced by Ethos, issue V1, dated March 2025);  
Ecological Parameters Plan (Produced by Ethos, dated 15 May 2025);  
Tree Retention and Removal Plans (produce by EDP, reference edp8111\_d002b (Overview and Sheets 1- 4)

REASON: For the avoidance of doubt and in the interests of proper planning and for the protection, mitigation and enhancement of biodiversity.

6. The subsequent reserved matters application(s) (phased or otherwise) to be submitted pursuant to Condition 4 shall accord with the principles, objective and parameters set out in the Design and Access Statement (produced by Catesby Estates, Parts 1-4, Rev D, dated 24 July 2024) and the Design and Access Statement Addendum (produced by Catesby Estates, Rev C, dated 6 March 2025) to ensure a high standard of design and placemaking is achieved at detailed design stage and shall include an acoustic design scheme for protecting the proposed dwellings from external (traffic) noise.

REASON: To ensure high-quality placemaking, satisfactory design and residential amenity.

7. The subsequent reserved matters applications (phased or otherwise) shall make appropriate provision for the following:

- Plan to deliver a contiguous carriageway network to reduce the need for large vehicle turning areas.
- Provide refuse collection vehicle tracking and walking distances to collection points.
- Provide full details of pedestrian realm infrastructure and the means to identify priority and continuity across side roads and where routes cross the spine road.
- Provide full details of Public Rights of Way treatment, including construction and surfacing materials
- where appropriate and any diversions/stopping up.

- Provide an access and movement plan illustrating dedicated walking and cycling routes, construction,
- geometry and connectivity with external networks.
- Provide full details of Shared Surface streets and transitions, including geometry details and material treatment
- Provide full details for the on street landscaping.
- Provide details on speed restraint measures to reduce on-site traffic speeds to 20mph or lower.

With the aforesaid requirements for any given phase to be submitted to and approved in writing by the Local Planning Authority before any on site works commence. Following receipt of written approval, the work shall be delivered in full accordance with the phasing plan.

REASON: To ensure the site is designed and delivered to maximise and prioritise sustainable modes of transport.

8. A detailed housing mix strategy, including the number and size of dwelling units shall be submitted as part of the reserved matters application(s) (phased or otherwise). The development shall be carried out in accordance with the approved housing mix.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner and to ensure that the proposed development provides a diverse and balanced range of housing types and sizes, contributing to the creation of a sustainable and inclusive community, in accordance with local planning policies and housing needs.

9. A final Sustainable Energy Strategy shall be submitted as part of the reserved matters application(s) for the housing development to provide details of operational energy, embodied carbon, climate change adaptation measures, low-carbon and renewable energy technologies, water efficiency, electric vehicle charging points, cycle parking, and sustainable transport for the written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In order that the development is undertaken in an acceptable manner and in response to climate change.

10. No site clearance, preparatory work or development shall take place until an Arboricultural Impact Assessment incorporating a Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement prepared in accordance with BS5837:2012, has been submitted to and approved in writing by the local planning authority as part of the first reserved matters application and then submitted with each subsequent reserved matters application, to demonstrate the protection of all trees and hedgerows and the appropriate working methods and materials used for construction. The development shall then be carried out in accordance with the details approved by the Local Planning Authority.

REASON: In order that the development is undertaken in an acceptable manner, to ensure the retention and protection of existing trees and hedges in the interests of visual amenity and ecology.

11. No development shall commence on site until:

- a) A Written Programme of archaeological investigations is submitted to, and approved by, the Local Planning Authority. This programme will include archaeological Strip, Map and Record (SMR) excavations covering the locations of evaluation trenches 5, 6, 7, 8 and 9 in Field 1 (field numbers as defined by the evaluation report of January 2025) and trenches 33, 35, 36, 43, 44, 45, 50, 51, 53, 55, 56 and 57 in Field 4, as well as an open area excavation site in Field 2, covering locations of evaluation trenches 19, 20, 22, 24, 26, 27, 28, 29 and 30. The written programme should include all on-site work and off-site work, including the analysis, publishing and archiving of the results; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details between the calendar months of April and September.

The excavations and required works are to be undertaken by qualified archaeologists following the standards and guidelines for Sites and Monuments Records and open area excavations, as set out by the Chartered Institute for Archaeologists (ClfA). The costs of the work are to be borne by the applicant.

REASON: To enable the recording of any matters of archaeological interest

12. No development shall commence on site until a detailed drainage strategy for the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority and detailing the following matters.

- Evidencing how the surface water disposal hierarchy has been applied and how all other options have been exhausted.
- Providing drainage calculations which demonstrate that the required 30% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100-year return period storm events. Large attenuation features shall achieve a minimum of 300mm freeboard above the 1 in 100 year + 45% climate change water level.
- Confirmation that there is sufficient attenuation on site to fully attenuate the 1 in 100 years plus climate change storm event.
- Full labelled drawings for the proposed drainage layout, including layout plans to show the pipe network and attenuation ponds, which should correspond with the drainage calculations.
- Cross sections and design details for all attenuation ponds and their components.
- Confirmation that all development and SuDS attenuation areas are located outside the current and future flood extents.
- Confirming the arrangements for ownership and ongoing maintenance of SuDS over the lifetime of the development.
- Construction phasing plan.

The development shall then be carried out in accordance with the approved details.

No housing shall be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

NOTE: All proposals should be designed in accordance with National Standards for SuDS and the latest CIRIA SuDS Manual (C753).

13. No development shall commence on site until a scheme to dispose of foul drainage, including connection to the public foul sewer network, has been submitted to, and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

REASON: To ensure that the proposed development does not pose an unacceptable risk to the water environment.

14. No development shall commence on site (including any works of demolition), until a Construction Management Plan (CMP), has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The parking of vehicles of site operatives and visitors;
- iii. The cutting or other processing of building materials on site;
- iv. Wheel washing and vehicle wash down facilities;
- v. The transportation and storage of waste and building materials;
- vi. The storage of plant and materials used in constructing the development;
- vii. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- viii. Measures to control the emission of dust and dirt during construction;
- ix. A scheme for recycling/disposing of waste resulting from demolition and construction works;
- x. Measures for the protection of the natural environment;
- xi. Pre-condition photo survey of local roads and highway infrastructure;
- xii. Large Vehicle Routing plan;
- xiii. Traffic Management Plan (including signage drawing(s));
- xiv. Number (daily/weekly) and size of delivery vehicles;
- xv. Number of staff vehicle movements;
- xvi. Details of temporary/permanent Traffic Regulation Orders;
- xvii. Construction phasing plan;
- xviii. The recycling of waste materials (if any);
- xix. The loading and unloading of equipment and materials;
- xx. The location and use of generators and temporary site accommodation;
- xxi. Where piling is required this must be continuous flight auger piling wherever practicable to minimise impacts;
- xxii. Hours of construction, including deliveries;
- xxiii. Hours of Operation (8am to 6pm Mon – Fri, 8am – 1pm Sat, no working on Sundays or Bank Holidays)

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

15. No development shall commence on each phase of the development hereby approved, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to the following, and the development shall be carried out in strict accordance with the approved CEMP:

- a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing;
- b. Working method statements for protected/priority species, such as bats, nesting birds, riparian mammals and reptiles;
- c. Mitigation strategies for great crested newts and badger – this should comprise the preconstruction/construction related elements of strategies only;
- d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site;
- e. No external night-time works or use of artificial lighting during the construction phase;
- f. Pollution prevention measures including the location of site and storage compounds, the use of plant and machinery, measures to control of dust and noise, the location and use of wheel washing and vehicle washdown plant/machinery, and the location and use of oils/chemicals;
- g. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

REASON: To ensure appropriate levels of amenity are achievable and to ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

16. No site clearance or development shall commence on each phase of the development hereby approved until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

- i. An Ecological Enhancement Plan showing:
  - a. The location, number and type of features for wildlife in accordance with Paragraph 7.2.1 of the Ecological Impact Assessment.
  - b. Locations of fence gaps for hedgehogs.
  - c. The location, type and extent of exclusion measures (e.g. fencing) to protect sensitive ecological features i.e., great crested newt breeding pond.
  - d. Identification of the habitats to be created/enhanced and managed specifically for the benefit of target species i.e. great crested newt.
- ii. Long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature shown on the Ecological Enhancement Plan.
- iii. The mechanism for monitoring success of the management prescriptions and a procedure for review and necessary adaptive management in order to attain targets.
- iv. Details of the mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

17. No site clearance or development shall commence on each phase of the development hereby approved until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the statutory Biodiversity Gain Plan, has been submitted to and agreed in writing with the Local Planning Authority. The HMMP shall include:

1. A non-technical summary;
2. The roles and responsibilities of the people or organisation(s) delivering the HMMP;
3. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the statutory Biodiversity Gain Plan and schedule for implementation;
4. The management measures to maintain habitat in accordance with the statutory Biodiversity Gain Plan for a period of 30 years from the completion of development; and
5. The monitoring methodology and specification of a Monitoring Pack (to include but not exclusively up to date Management Actions Logs, Habitat Condition Assessment Reports, metric calculation, and corresponding post-intervention Habitat Map), which shall be submitted to the Local Planning Authority in years 2 (two) 5 (five) 10 (ten) 15 (fifteen) 20 (twenty) and 30 (thirty) of the Maintenance Period;<sup>5</sup>
6. A timetable for the delivery of the habitation creation enhancement works

The created and/or enhanced habitat shall be managed and maintained in accordance with the agreed HMMP at all times thereafter.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

18. Notwithstanding the submitted details, no works shall commence (except for site enabling or site clearance operations) on site until full construction details for the northern access have been submitted to and approved by the Local Planning Authority.

The construction details shall take into consideration planned and delivered pedestrian infrastructure in the vicinity of the junction, including necessary carriageway surface treatments, and shall incorporate details of an uncontrolled LTN 1/20 compliant crossing of the development arm of the roundabout. The full construction details shall be subject of a Stage 2 Road Safety Audit.

Prior to first occupation of any dwelling served from the northern access, the northern access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

REASON: To ensure that a safe and sufficient access strategy is provided.

19. Notwithstanding the submitted details, no works shall commence (except for site enabling or site clearance operations) on site until full construction details for the southern access facilities have been submitted to and approved by the Local Planning Authority. The construction details

shall include details of an uncontrolled LTN 1/20 compliant crossing of the development arm of the roundabout. The full construction details shall be subject of a Stage 2 Road Safety Audit. Prior to first occupation of any dwelling served from the southern access, the southern access shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

REASON: To ensure that a safe and sufficient access strategy is provided.

20. No works shall commence (except for site enabling or site clearance operations) on site until full details of all internal estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for the provision of such works (or during which phase) shall be submitted to and approved in writing by the Local planning Authority. Each phase of the development shall not be first occupied until the works have been undertaken in accordance with the approved details and timetable.

REASON: In order that the development is undertaken in an acceptable manner and to ensure that the roads are laid out and constructed in a satisfactory manner.

21. The internal estate roads, including footpaths and turning spaces where necessary, shall be constructed so as to ensure that before that phase is occupied, each dwelling shall be provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway.

REASON: To ensure that the development is served by an adequate means of access.

22. No development shall commence above ground floor slab level until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme will demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

REASON: This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments also enables more growth with the same water resources.

23. No development shall commence above ground floor slab level until full construction details of the proposed toucan crossing and bus stop and shelter provision have been submitted to and approved by the Local Planning Authority. The construction details shall include but not be limited to all necessary surface treatments to accommodate the crossing, shelter and real time information specification and orientation of bus stops to maximise pedestrian crossing visibility.

The full construction details shall be subject of a Stage 2 Road Safety Audit.

Prior to first occupation of any dwelling, the Toucan Crossing and Bus Stop/Shelter provision shall be completed in all respects in accordance with the approved details and maintained as such thereafter.

REASON: To ensure that a safe and sufficient access strategy is provided.

24. No development shall commence above ground floor slab level until full design and construction details of an extension of the existing shared walking and cycling facility along the eastern side of Eastern Way linking the existing facility to the south with Bridleway MELW41 in the north have been submitted to and approved by the Local Planning Authority.

Prior to first occupation of the 150th dwelling, the shared walking and cycling facility shall be provided in all respects in accordance with the approved details and maintained as such thereafter.

REASON: To ensure that the proposed development is accessed by a variety of transport modes of choice, including, walking, cycling and public transport.

25. No development shall commence above ground floor slab level until full details of a hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include: -

- Location and current canopy spread of all existing trees and hedgerows on the land;
- A detailed planting specification showing all plant species, supply and planting sizes and planting densities
- All means of enclosure;
- Car park layouts;
- Refuse/recycling collection points;
- Bin storage areas;
- Other vehicle and pedestrian access and circulation areas;
- All hard and soft surfacing materials.

REASON: In order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

26. No dwelling on any approved phase shall be occupied until a full specification of all the proposed tree planting has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

27. All lighting provided on site shall be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 'Bats and artificial lighting at night', issued by the Bat Conservation Trust and Institution of Lighting Professionals and shall demonstrate that bat habitat (trees with bat roost potential, Clacker's Brook river corridor and hedgerows) on the perimeter of the site shall remain below 0.5 lux (or no higher than existing).

REASON: In the interests of the amenities of the area and to minimise impacts on biodiversity caused by light spillage to areas above and outside the development site.

28. The Reserved Matters application(s) (phased or otherwise) shall be accompanied by an

updated mitigation strategy For Great Crested Newt and Badger. The mitigation strategies shall be informed by up-to-date surveys where required.

REASON: To ensure adequate protection and mitigation for Great Crested Newt and Badger.

29. The site for the Community Use/Building, as shown on the Development Parameter Plan Reference AI14h, shall be delivered by the occupation of the 200<sup>th</sup> dwelling, in accordance with details and a specification to be submitted to and approved by the Local Planning Authority, unless otherwise agreed, in writing, by the Local Planning Authority.

REASON: To ensure the provision of the community use or building.

# **WILTSHIRE COUNCIL**

## **CIL COMPLIANCE STATEMENT/S106**

### **JUSTIFICATION STATEMENT**

**Town and Country Planning Act 1990**

**Town and Country Planning Act (General Development Procedure) Order 2015**

**Town and Country Planning (Inquiries Procedure) (England) Rules 2000**

**Statement of Compliance of Section 106 agreement obligations with Regulation 122 of the Community Infrastructure Levy Regulations 2010**

**Site:** Land South of Snarlton Farm, Snarlton Lane, Melksham, SN12 7QP

**Description:** Erection of up to 300 dwellings (Class C3); land for local community use or building (incorporating Classes E(b), E(g) and F2(b) and (c)); open space and dedicated play space and service infrastructure and associated works on land South of Snarlton Farm (Outline planning application with all matters reserved except for two pedestrian and vehicle accesses (excluding internal estates roads) from Eastern Way) - Resubmission of PL/2023/07107)

**Appellant:** Catesby Estates Promotions Limited

**Planning Inspectorate Reference:** APP/Y3940/W/25/3373278

**Local Planning Authority Reference:** PL/2024/07097

## 1.0 INTRODUCTION

1.1 This statement is to be read in conjunction with the relevant Statement of Common Ground and the obligations contained within the Section 106 agreement, which shall be submitted in advance of the Public Inquiry starting.

1.2 Prior to the appealed development being presented to members of the Council's Strategic Planning Committee on 5 August 2025, contributions towards the following were agreed with the appellant:

- Contributions towards public art
- Financial contribution towards the provision of 30% affordable housing
- A contribution towards the cost of a community hub building to be delivered on the Blackmore Farm site to the north of Snarlton Farm (pursuant to a separate planning application reference PL/2023/11188)
- Education contributions towards early years and new primary school places
- Financial contribution towards walking and cycling improvements and sustainable transport options from the site
- Financial contribution towards improvements to the local health infrastructure
- Provision of on-site public open space and play areas with an agreement to provide the equivalent off-site financial contribution if no on-site provision is provided
- Financial contribution towards the off-site provision of sports pitches and courts
- Financial contribution towards improvements of the public rights of way in the vicinity of the site
- Financial contributions towards the provision of waste and recycling containers for each dwelling
- Provision to identify who would be responsible for maintaining the biodiversity habitat and areas of public open space
- A S106 monitoring fee

## 2.0 PINS GUIDANCE

2.1 The Planning Inspectorate's "[Planning obligations: good practice advice - GOV.UK](#)" updated 5 February 2025 states that:

*The following evidence is likely to be needed to enable the Inspector to assess whether any financial contribution provided through a planning obligation (or the local planning authority's requirement for one) meets the tests:*

- *the relevant development plan policy or policies, and the relevant sections of any supplementary planning document or supplementary planning guidance*
- *quantified evidence of the additional demands on facilities or infrastructure which are likely to arise from the proposed development*
- *details of existing facilities or infrastructure, and up-to-date, quantified evidence of the extent to which they are able or unable to meet those additional demands*
- *the methodology for calculating any financial contribution necessary to improve existing facilities or infrastructure, or provide new facilities or infrastructure, to meet the additional demands*
- *and details of the facilities or infrastructure on which any financial contribution will be spent.*

### 3.0 PLANNING POLICY

3.1 The infrastructure items listed below are those that are relevant to the application site and would be required in order to mitigate the impact of the proposed scheme, in line with the tests set under Regulation 122 of the Community Infrastructure Levy (“CIL”) Regulations 2010, and paragraphs 56-58 of the National Planning Policy Framework 2024 (“NPPF”). In addition to the requirements of the NPPF, the relevant policies of the Wiltshire Core Strategy 2015 (“WCS”) in respect of the requested obligations are:

- Core Policy 3 – Infrastructure Requirements
- Core Policy 43 – Providing Affordable Homes
- Core Policy 45 – Meeting Wiltshire’s Housing Needs
- Core Policy 50 – Biodiversity and Geodiversity
- Core Policy 52 – Green Infrastructure
- Core Policy 57 – Ensuring High-Quality Design and Place Shaping
- Core Policy 60 – Sustainable Transport
- Core Policy 61 – Transport and New Development

3.2 In addition: Policy WCS6 of the Wiltshire Council Waste Core Strategy; Policy LP4 of the Leisure and Recreation Development Plan Document (2009); policies SO2, SO13 and SO14 of the Local Transport Plan 3 (LTP3) (adopted March 2015) and Local Transport Plan 4 (LTP4) (adopted March 2025) are also relevant. Wiltshire Council also has an adopted Art and Design in the Public Realm in Wiltshire guidance note (22 May 2024), which sets out the funding for public art in Section 3 (from page 7).

3.3 Policy CP3 of the WCS states that:

*All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. In ensuring the timely delivery of infrastructure, development proposals must demonstrate that full regard has been paid to the Council’s Infrastructure Delivery Plan and Schedule and all other relevant policies of this plan. Joint working with adjoining authorities will be encouraged to ensure that wider strategic infrastructure requirements are appropriately addressed.*

3.4 The Policy goes on to state how the infrastructure set out in CP3 would be delivered in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). Paragraphs 4.41 and 4.42 of the WCS define what “essential” and “place shaping” infrastructure could be.

3.5 Wiltshire Council also has a Planning Obligations Supplementary Planning Document. This should be read in conjunction with the WCS (primarily CP3) and the Wiltshire CIL Charging Schedule. In complete accordance with the Council’s Revised Planning Obligations Supplementary Planning Document (October 2016), the planning obligations associated with this appeal would not deliver projects which would be provided for by CIL.

3.6 The Council maintains that the infrastructure sought from the appealed development would assist in mitigating the impacts of the development to make it acceptable in planning terms. The key statutory tests are set out in Regulation 122 (as amended by the 2011, 2019 and 2025) and are as follows:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

3.7 This statement sets out the requirements for each of the obligations required by the agreement.

#### **4.0 OBLIGATIONS/SCHEDULES**

4.1 The Council assesses each major development proposal to identify the community infrastructure requirement and negotiates to secure planning obligations or other appropriate methods to secure the requirements identified. The infrastructure requirements for this development are summarised in section 1.2 of this statement and are discussed below.

##### **Arts Contribution**

4.2 In accordance with paragraph 3.7 of the Council's "Art and Design in the Public Realm in Wiltshire" guidance document (adopted May 2024), developers are required to contribute a sum of £300 per dwelling for residential sites on residential developments over 50 dwellings. The Council's art service would appoint an artist in accordance with the criteria set out in the guidance document and would ensure that the commissioned artwork is of high quality.

4.3 It is considered that the provision of a public art contribution supports the delivery of CP3 and CP57 of the adopted WCS, which recognise that integrating art within the public realm is important for good place-shaping. It also supports the delivery of aspirations in the National Planning Policy Framework paragraph 131 which requires high quality design and placemaking.

4.4 Based on the £300 per dwelling figure set out within the guidance document, a sum of up to £90,000 has been agreed to deliver a public arts scheme for the site.

4.5 The above sum is also considered to comply with CP57 of the adopted WCS, which requires a high standard of design in all new developments and to ensure that the public realm is designed to create places of character which are legible, safe and accessible (criterion ix).

##### **Affordable Housing**

4.6 Policy CP43 of the adopted WCS sets out the required provision of affordable housing, with paragraph 6.44 of the supporting text providing a distinction between the 40% and 30% affordable housing zones. **The appeal site is allocated within the 30% affordable housing zone as set out in paragraph 6.44 of the WCS.**

4.7 As stated in the policy, all affordable housing would be subject to an appropriate legal agreement with the Council. Based on the proposed scheme of up to 300 new residential units, the on-site affordable housing requirement equates to 90 homes, with the current local needs meriting 54 affordable rented units, 14 shared ownership units and 22 First Homes units, to provide the necessary mixed tenure.

4.8 The tenure mix and adaptable requirements are required in accordance with the requirements of WCS policy CP45 (Meeting Wiltshire's Housing Needs) and as detailed in Paragraph 66 of the NPPF, which is also referenced in footnote 9 in

paragraph 11d, which expects major housing developments to meet local affordable housing needs. Paragraph: 005 Reference ID: 67-005-20190722 onwards of the NPPG also refers to affordable housing provision.

## **Community Hub**

4.9 It is expected that new major housing developments coming forward on the eastern side of Melksham, such as this development, make a proportionate contribution towards a new community hub building to be provided on land at Blackmore Farm (as approved in principle by application PL/2023/11188) that would serve the eastern side of the town.

4.10 It had been calculated during the determination of PL/2023/11188 and its associated Section 106 legal agreement, that a new community hub building would cost in the region of £1.6 million, and in addition to CIL receipts, a dedicated developer contribution from this development has been negotiated.

4.11 To work out a fair contribution for all the developments coming forward, the referenced cost figure has been divided by the sum total of dwellings planned to be delivered in Melksham as part of the Local Plan Review or as presently known to the Council in the form of live planning applications (totalling 2,160 dwellings), equating to a figure of £740 per dwelling. As the Blackmore Farm site would be providing the land and servicing to the community hub building, a reduced sum per dwelling was secured as part of the Blackmore Farm s106.

4.12 On this basis, the contribution towards the community hub that would be generated by this development would be £220,000 (based on £740 x 300 (dwellings)).

## **Education**

4.13 The Council's education department has confirmed that developer contributions are required towards early years and primary education, with there being no secondary education contribution required. This is required by CP3 of the WCS and the supporting adopted Wiltshire Council Infrastructure Delivery Plan ('IDP') 3 2011-2026 (adopted 2015).

4.14 Based on the calculations undertaken by the Council, based on school forecasting and housing approvals, there is a need to fund 36 places for early years, equating to £17,522 (each) – a total of £630,792; and funding 85 new primary school places at £18,758 each - equating to a total of £1,594,430.

4.15 The Council's Education Department (refer to Appendix A for a copy of the consultation response and correspondence on this matter) are currently pooling funds for the primary contributions towards a new primary school. A site for a new primary school has been secured on the Blackmore Farm development (approved under application reference PL/2023/11188) to the north of the appeal site, which would be the preferred location for the new school. However, if the Blackmore Farm development does not proceed or is delayed, a new primary school (including a nursery) is also coming forward on the Pathfinder Way site (located to the south of Western Way).

4.16 The Council can pool primary and early years contributions from the Snarlton site, along with others, to fund the new primary school on whichever site we decide to go with.

4.17 The Council is also securing land on the Land North of the A3102 site (PL/2024/10345) for a new nursery, so contributions from this development would be aiming to go towards this facility.

4.18 The above is considered necessary based on the additional dwellings and population that would result from the appealed development. It is considered that this contribution would comply with the WCS, which identifies education as essential infrastructure. Wiltshire Council also has a duty to provide sufficient childcare for working parents under Section 6 of the Childcare Act 2006.

## Highways

4.19 It is necessary to ensure the proposed development would provide safe, suitable and accessible movement from the site for all users to facilities, services and amenities, and the following developer obligations are necessary to make the development acceptable in highway terms:

- Bus Service Contribution: **£360,000**
- Green Travel Vouchers: £300 per dwellings = **£90,000**
- LTN 1/20 Compliant junction (possibly zebra) at Heather Avenue/Snowberry Lane - £28,000 to £43,000 + £3000 (crossing assessment - with the costs likely to range between £31,000 to £46,000 [median = **£38,500**])
- Deliver a better alignment of pedestrian only route with zebra crossing at Queensway – 14m x (£250(tarmac)+110(edging)+110(edging)) = **£6,580** (plus mobilisation, legal costs and risk budget)
- Deliver an enhanced crossing facility at Milton Ave./Thackeray Crescent./Ruskin Avenue/Pembroke Rd (possibly a zebra crossing) = median cost of **£38,500** (as per above)
- Enhanced security/visibility at Strattons Walk – circa. **£10,000** (incl. maintenance)
- Widening of pedestrian routes to cycle-route compliance at: Dorset Cre. To Queensway - 115m x (£250+110(one side edging)) = **£41,400**; and Heather Ave. to Dorset Cre. - 82m x (£250+110(one side edging)) = **£29,520**
- Rail Accessibility: **£5,128**
- Cycle Maps: **£1,000**
- Travel Plan Monitoring: **£7,000**

4.20 The above calculations have been set out in the consultation response produced from the Council's Highways Department (refer to Appendix B) and are considered necessary to ensure that connectivity from the appeal site is improved in terms of walking and cycling modes of travel.

4.21 It is the Local Highways Authority's (LHA) intention to provide proportionate contributions from residential developments and ensure that necessary improvements are funded to prevent sites being poorly connected and unsustainable.

4.22 To ensure Snarlton Farm benefits from improved connectivity, the full cost of the necessary highway works amounts to £164,500 upfront, to guarantee the site is properly accessible regardless of the future of neighbouring sites.

4.23 If Blackmore Farm, for instance, is developed and contributes towards the same highway improvements, once the works are completed, any unused money from Snarlton Farm's contribution would be returned to the applicant in accordance with

the necessary clawback clause included within the associated legal agreement.

4.24 The below justification has been provided by the LHA on specific items included within their listed obligations:

4.25 With regards to bus service contributions, only Service 14 and 15 serve the local bus stops on Eastern Way and further service provisions are well beyond acceptable walking distances. In order to address this position, we sought advice from our Public Transport Unit, who advised on a strategic position to secure at least 2 years of a 30-minute bus service frequency, or 2 years of a more strategic destination service, at an hourly frequency. This strategic position would fit within the context of the Blackmore Farm contribution, with the aim of either scenario being fully funded for a period of 5 years. This period is deemed sufficient to accommodate the majority of housing built to the east of Eastern Way and generate meaningful modal shift to public transport in accordance with the adopted policy. The bus contribution is a fixed contractual amount of one bus unit (55 seater bus plus driver) operating for a contracted year at a rate of £180,000 per annum.

4.26 The contribution from Snarlton Fram is therefore  $2 \times £180,000 = £360,000$ . In the event that the strategic position cannot be realised and Blackmore Farm does not commence, then the contribution can be utilised to extend the timetable and destinations of choice of the existing 14 and 15 services at a more competitive rate as a 'whole' bus unit is unlikely to be required; this may be achieved with driver contract extensions. Similarly, other bus services serving bus stops on Spa Road may be geographically extended to serve the site, although this may not be at such a competitive rate. Finally, given the time period over which the planning sites will be built out, and the changing commercial fortunes of bus operators, a decision on bus service strategy and contribution spend, in accordance with the phased payments, will be determined by Wiltshire Council in consultation at the appropriate time.

4.27 With regards to the rail contribution (at £5,128), the requested figure reflects an anticipated £20,000 delivery cost for connections between the rail station and Foundry Close. This figure is then divided by 1170 dwellings which is identified in the document 'Planning for Melksham' that sets out the housing demand for the emerging Local Plan. The resultant figure is then multiplied by the sites housing delivery (300 dwellings), which equates to the requested contribution. Given the difficulties in delivering the Foundry Close connection across private land, alternative works may be identified with the town council to improve access to the station.

4.28 Turning to the Green Travel Vouchers, travel plan vouchers agreed at £300 per dwelling are set out and required in the latest Wiltshire Travel Plan guidance. These vouchers would be made available to residents who may spend the funds on sustainable transport measures, such as bicycles or bus fares etc.

4.29 The cycle maps contribution is required to address the administrative purposes of the Council to print and provide cycle maps to the applicant for distribution to residents. This requirement is placed upon the Council who will reflect within the maps the latest delivery of Local Cycling and Walking Infrastructure Plans for the locality.

4.30 Finally, travel plan monitoring provides the necessary funding for a Travel Plan coordinator to act on behalf of the Council and ensure that the developers' appointed coordinator is provided with all the necessary and latest transport and travel information which supports the development site and provides the resource to

receive, scrutinise and respond to travel survey information and advice upon appropriate mitigation measures.

4.31 The above is considered to comply with CP60 and CP61 of the WCS, as well as paragraphs 115 and 117 of the NPPF which require developments to reduce the need to travel by private car and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire and to promote sustainable transport alternatives from the site; the Wiltshire Local Transport Plan which seeks to prioritise active travel; and CP3 of the WCS, which identifies 'sustainable transport measures' as essential infrastructure.

## NHS

4.32 The appealed development would generate further demand on the local health infrastructure. The NHS Bath and Northeast Somerset, Swindon and Wiltshire Integrated Care Board has confirmed that there is insufficient existing primary healthcare capacity locally to address the projected new demand generated by the development, with additional floorspace required at Giffords Surgery and the Spa Medical Centre and to part fund this identified capital project, a developer contribution of £311,844 has been agreed towards the capital cost of delivering the additional primary care floorspace.

4.33 As the NHS have identified a local dedicated project, the financial contribution put forward by the NHS in this instance is considered necessary, directly related to the development and fair, as this figure has been justified and a need has been evidenced, which differs from the University Hospitals of Leicester NHS Trust v Harborough District Council [2023] EWHC 263 (Admin) and Worcestershire Acute Hospitals NHS Trust v Malvern Hills DC & Ors [2023] EWHC 1995 (Admin) cases, where financial contributions to bridge a wider 'funding gap' were found to be unlawful. This is required by policy CP3 of the WCS and the adopted Wiltshire Council Infrastructure Delivery Plan 3 Chapter 7 (Health & Social Care).

## POS/Play Provision

4.34 Based on a "net gain of 300 dwellings, there is a policy requirement for the developer to provide 10,478.40m<sup>2</sup> of Public Open Space (POS) and 531.00m<sup>2</sup> of Equipped Play", and the applicant has advised that delivering this provision on site would be achievable.

4.35 The formula for this is set out in the adopted Leisure and Recreation Development Plan Document 2009 supporting saved Policy LP4:

Open Space:

per 1 bed Residential Unit= 30 m<sup>2</sup>  
per 2 bed Residential Unit= 45 m<sup>2</sup>  
per 3 bed Residential Unit= 60 m<sup>2</sup>  
per 4 bed Residential Unit= 75m<sup>2</sup>

Equipped play:

per 1 bed = 0m<sup>2</sup>  
per 2 bed = 3m<sup>2</sup>  
per 3 bed = 6m<sup>2</sup>  
per 4 bed = 9m<sup>2</sup>

4.36 If however this provision cannot be provided on-site, either wholly or partially, the developer has agreed to provide an off-site financial contribution that would be

required to replace the on-site requirement, either in its entirety or as a supplement to a partial on-site provision.

4.37 In the case of there being no on-site provision, the equivalent off-site financial contribution would be £359,997.47 for the POS requirement and £76,464 for the Equipped Play requirement. Target sites in the vicinity of the development for any off-site contributions would be identified at the reserved matters stage.

4.38 **The on-site Equipped Play would need to be provided as per the Wiltshire Council Play Specification. All on-site POS and Equipped Play would need to be secured and managed in perpetuity.**

4.39 These figures have been calculated within the consultation response received from the Council's Public Open Space team, as detailed below:

4.40 *Assuming a net gain of 300 dwellings, this would generate an on-site requirement for 10,478.40m<sup>2</sup> of Public Open Space (POS) and 531.00m<sup>2</sup> of Equipped Play. However, if this provision is not provided on-site, either wholly or partially, then an off-site financial contribution will be required to replace the on-site requirement, either in its entirety or as a supplement to a partial on-site provision.*

*In the case of no on-site provision, the equivalent off-site financial contribution would be £359,997.47 for the POS requirement and £76,464.00 for the Equipped Play requirement. Target sites in the vicinity of the development for any off-site contributions would be identified at application stage.*

*Any on-site Equipped Play would need to be provided as per the Wiltshire Council Play Specification. All on-site POS and Equipped Play needs to be secured and managed in perpetuity. Wiltshire Council will not adopt the on-site POS or Equipped Play.*

*The development would also generate a requirement for 708.00m<sup>2</sup> of Sports pitches & courts, which equates to an off-site financial contribution of £70,800.00 A Target site in the vicinity of the development for any off-site contribution would be identified by the Council's Leisure Strategy Infrastructure Officer.*

4.41 **The target site has been identified by the Council's Leisure Strategy Infrastructure Officer as 3G Artificial Turf Pitch at Lancaster Road Playing Fields and/or sports or ancillary provision within the vicinity for the land.**

4.42 The above financial contributions are considered to comply with the Council's adopted Leisure and Recreation Development Plan Document 2009 and saved Policy LP4, which requires a contribution towards quality open space and sports facilities which are accessible, safe and fit for purpose. Core Policy 52 of the WCS also supports this by stating that accessible open standards should be provided in accordance with the adopted Wiltshire Open Space Standards and that measures should be in place to ensure the long-term management of any green infrastructure directly related to the development.

4.43 Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhanced open spaces which would be included within the S106.

4.44 Open space and green infrastructure are also listed as 'place-shaping' infrastructure under priority theme 2 of CP3 of the WCS. The provision of high-quality space and accessible green infrastructure is also set out in paragraphs 103 to 108 of the

NPPF, to ensure development achieves healthy, inclusive, and safe spaces and includes services the community needs.

## Rights of Way

4.45 A developer contribution of £41,877.20 to improve the public rights of ways in the local vicinity of the development, including MELKW23, MELW22 and MELW41 has been identified, which would enhance the route to the town centre and facilities from the appeal site. The calculations for this have been incorporated with the LHA's response in Appendix B.

4.46 This financial contribution is considered to comply with CP52 of the adopted WCS, which states that development "*shall make provision for the retention and enhancement of Wiltshire's Green Infrastructure network and shall ensure that suitable links to the network are provided and maintained*".

4.47 This is also confirmed in Saved Policy CR1 of the Leisure and Recreation DPD and the Local Cycling and Walking Infrastructure Plan. Paragraph 105 of the NPPF also requires planning decisions to "*protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users*".

4.48 The above financial contribution is also considered to comply with CP57 (criterion ix), which requires "*the public realm, including new roads and other rights of way*" to be "*designed to create places of character which are legible, safe and accessible in accordance with Core Policy 66 (Strategic Transport Network)*".

## S106 Monitoring Fee

4.49 A s106 monitoring fee would be required within the s106 Legal Agreement, at a fee of 2.5% of the total financial contributions and this would not be capped, to ensure that the necessary s106 obligations are complied with.

4.50 The Planning Obligations SPD 2016 sets out the procedure for post-development monitoring and implementation of obligations, with paragraph 12.1 stating:

*To ensure proper and effective management of planning obligations copies of every agreement and undertaking will be placed on the planning register with the planning decision notice. Thereafter the Council will monitor development sites to ensure obligations are met as and when 'triggers' set out in the agreements and undertakings are reached. On the rare occasions when obligations are not fulfilled the Council will take appropriate enforcement action.*

## Waste

4.51 Under Policy CP3 of the adopted WCS and WCS6 of the Waste Core Strategy, contributions towards the provision of waste and recycling containers for each residential unit (at £115 per dwelling) are required, totalling £34,500 based on 300 dwellings. The figures derived at above are set out in detail in the Waste storage and collection guidance for developers SPD with added indexation. They are based on a cost of £115 per household.

## 5.0 CONCLUSION

5.1 It is considered that the planning obligations set out within this statement are fully justified, policy compliant and satisfy the necessary legal tests. It is not considered that there would be any "double dipping" from s106 obligations and CIL payments,

and therefore the financial contributions are considered to comply with the Community Infrastructure Levy Regulations 2010 (as amended) and Regulation 122.

- 5.2 The assessed requirements are in accordance with the CIL tests and those defined in paragraphs 56-58 of the NPPF, being necessary as a result of the development proposed, and fairly and reasonably related in scale and kind to the development.

14 January 2026

Development Services  
Wiltshire Council  
Tel: 0300 456 0114  
[www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)  
[PlanningAppeals@wiltshire.gov.uk](mailto:PlanningAppeals@wiltshire.gov.uk)

Dear Sir/Madam,

## TOWN AND COUNTRY PLANNING ACT 1990

APPELLANTS NAME:	Tom Nicholas
APPEAL SITE:	Land South of 214B Corsham Road, Whitley, Melksham, Wiltshire, SN12 8QF
PLANNING APPLICATION REF:	PL/2025/08613
PROPOSED DEVELOPMENT:	Permission in Principle for the Erection of up to 5 Dwellings
INSPECTORATE REFERENCE:	6003438
APPEAL START DATE:	14 January 2026

I am writing to let you know that an appeal has been made to the Planning Inspectorate in respect of the above site.

The appeal is in respect of the above site, and is to be decided on the basis of Written Representations procedure set out in Part 2 of The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, as amended.

Documents relating to the appeal(s) can be viewed on the Council website by searching the application reference at <https://development.wiltshire.gov.uk/pr/s/>

The Planning Inspectorate have introduced an online appeals service which you can use to comment on this appeal. You can find the service through the Appeals area of the Planning Portal – see <https://appeal-planning-decision.service.gov.uk/comment-planning-appeal/enter-appeal-reference>.

Alternatively, you can send your comments to The Planning Inspectorate, c/o QUADIENT, 69 Buckingham Avenue, Slough, SL1 4PN, quoting the Inspectorate reference. Comments should be received by **18 February 2026**.

The Inspectorate may publish details of your comments, on the internet (on the appeals area of the planning portal). Your comments may include your name, address, email address or phone number, please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

Any representations received after the deadline will not normally be seen by the Inspector and will be returned. All representations must quote the appeal reference.

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

Any comments you may have already made following the original application will also be forwarded to the Inspectorate (unless they are expressly confidential) but you may withdraw, modify or amplify them

now if you wish. All comments received will be copied to the appellant and will be taken into account by the Inspector in deciding the appeal.

If you wish to receive a copy of the appeal Decision Letter, you should write to the Planning Inspectorate specifically requesting one.

The Planning Inspectorate will not acknowledge your letter unless you specifically ask them to do so. They will, however, ensure that your letter is passed on to the Inspector dealing with the appeal.

Finally, you can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>.

When made, the decision will be published online at <https://appeal-planning-decision.service.gov.uk/comment-planning-appeal/enter-appeal-reference>.

Yours faithfully,

*Head of Development Management*

## Teresa Strange

---

**From:** Teresa Strange  
**Sent:** 28 January 2026 17:18  
**To:** Wiltshire, Mark  
**Cc:** Fiona Dey  
**Subject:** FW: \*EXTERNAL: Buckley Gardens S106 [CW-LEGAL.FID5090407]

Hi Mark

Are we able to have a meeting to discuss please?

We are commissioning an holistic review of vehicle, cycle and pedestrian access with Sustrans (with advice from Gareth Rogers) for Semington Road which could inform this.

Further to your comments on the suggestion of the parish council, this is the advised route of the LCWIP and was in the original s106, nothing has changed this bit of it, just the toucan crossing bit.

Parish councillors want to understand why nothing can be done to make this route safer.

Many thanks, Teresa

Teresa Strange  
Clerk & Responsible Financial Officer  
Melksham Without Parish Council  
First Floor  
Melksham Community Campus  
Market Place, Melksham  
Wiltshire, SN12 6ES  
01225 705700  
[www.melkshamwithout-pc.gov.uk](http://www.melkshamwithout-pc.gov.uk)

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**From:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Sent:** 14 January 2026 16:04  
**To:** Laura Urch <[Laura.Urch@clarkewillmott.com](mailto:Laura.Urch@clarkewillmott.com)>; Hughes, Cecelia <[cecilia.hughes@dwh.co.uk](mailto:cecilia.hughes@dwh.co.uk)>  
**Cc:** Powell, Oliver <[oliver.powell@dwh.co.uk](mailto:oliver.powell@dwh.co.uk)>; Fiona Dey <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>  
**Subject:** RE: \*EXTERNAL: Buckley Gardens S106 [CW-LEGAL.FID5090407]

Dear Laura and Cecilia

Thank you for including us in this correspondence.

The parish council's Highways meeting meets on Monday evening, and so I can give you the comments of the parish council on this early next week.

With kind regards, Teresa

Teresa Strange  
Clerk & Responsible Financial Officer  
Melksham Without Parish Council  
First Floor  
Melksham Community Campus  
Market Place, Melksham  
Wiltshire, SN12 6ES  
01225 705700  
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**From:** Laura Urch <[Laura.Urch@clarkewillmott.com](mailto:Laura.Urch@clarkewillmott.com)>  
**Sent:** 13 January 2026 16:48  
**To:** Hughes, Cecelia <[cecilia.hughes@dwh.co.uk](mailto:cecilia.hughes@dwh.co.uk)>; Fiona Dey <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>  
**Cc:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>; Powell, Oliver <[oliver.powell@dwh.co.uk](mailto:oliver.powell@dwh.co.uk)>  
**Subject:** RE: \*EXTERNAL: Buckley Gardens S106 [CW-LEGAL.FID5090407]

Afternoon all,

I have heard from Wiltshire Council's solicitor on the Parish Council's proposed change in the deed of variation to the s106 ( re highways contribution from "eastern" to "western"). The response is copy and pasted below in blue but, in short, they rejected the proposed wording and suggested an alternative for the reasons set out below.

Cecelia, please can you let me have your instructions on this.

Teresa / Fiona Mark Wiltshire, you will see that Mark Wiltshire, Principal Transport and Development Manager is willing to discuss this with you further if required.

*My instructing officer in Planning has been in contact with Mark Wiltshire, Principal Transport and Development Manager who has confirmed that he is expecting the revised funding allocation to go towards improving routes to the east of the A350 roundabout although some expenditure could also be possible to improve routes between the land and the town centre. He is of the view that there is nothing sensible to be done to enhance the pedestrian route on the immediate western side of the roundabout between Old Semington Road and Melksham as the Parish Council have suggested.*

*He therefore considers paragraph (i) of the definition of "Highway Contribution" should be as replaced with the following:*

*"The sum of two hundred thousand pounds (£200,000) towards route enhancements to improve connectivity between the Land, the town centre to the north and education facilities to the east, inclusive of Local Cycling Walking Infrastructure Plan routes, and measures to enhance and provide pedestrian routes on the eastern side of the A350 Western Way roundabout;"*

*Please can you take your client's instructions on this and let the Parish Council know that they can contact Mark Wiltshire direct to discuss the above if they have any concerns.*

#### **Laura Urch**

Senior Associate

t: 0345 209 1077

m: 07585 337 033

e: [Laura.Urch@clarkewillmott.com](mailto:Laura.Urch@clarkewillmott.com)

**Postal hub:** Blackbrook Gate, Blackbrook Park Avenue, Taunton, TA1 2PG

**DX:** 97175 Taunton (Blackbrook)

**My office:** Birmingham | Bristol | Cardiff | London | Manchester | Southampton | **Taunton**



---

**From:** Hughes, Cecelia <[cecelia.hughes@dwh.co.uk](mailto:cecelia.hughes@dwh.co.uk)>

**Sent:** 11 November 2025 12:49

**To:** Fiona Dey <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>

**Cc:** Laura Urch <[Laura.Urch@clarkewillmott.com](mailto:Laura.Urch@clarkewillmott.com)>; Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>; Powell, Oliver <[oliver.powell@dwh.co.uk](mailto:oliver.powell@dwh.co.uk)>

**Subject:** RE: \*EXTERNAL:RE: Buckley Gardens S106

Dear Fiona,

This change to the S106 was not at our behest. We are content to progress it, but I would have expected it to be something that needs to be proposed by the PC and considered by the Council as the organisation that issued the planning permission.

Is this something that you or your solicitor could manage please so we can get the Agt updated and finished off?

Many thanks

**Cecelia Hughes BA(Hons) BTP MSc MRTPI**  
**Planning Manager**

Email: [cecelia.hughes@dwh.co.uk](mailto:cecelia.hughes@dwh.co.uk)

Switchboard: 01454 278000

David Wilson Redrow South West | Wellington House, Unit 1, West Point Court,  
Great Park Road, Bradley Stoke, Bristol, BS32 4PY

---

**From:** Fiona Dey <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>

**Sent:** 06 November 2025 09:53

**To:** Hughes, Cecelia <[cecelia.hughes@dwh.co.uk](mailto:cecelia.hughes@dwh.co.uk)>

**Cc:** Laura Urch <[laura.urch@clarkewillmott.com](mailto:laura.urch@clarkewillmott.com)>; Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>

**Subject:** RE: \*EXTERNAL:RE: Buckley Gardens S106

Good Morning Cecelia,

Sorry for the delay responding. On Monday night, the parish council's Planning Committee resolved that the wording should be 'western' as highlighted below

*The sum of two hundred thousand pounds (£200,000.00) towards route enhancements to improve connectivity between the Land, the town centre to the north and education facilities to the east, inclusive of Local Cycling Walking Infrastructure Plan routes, and measures to enhance the use of the pedestrian route on the **western** side of the roundabout between Old Semington Road and Melksham;*

Kind regards

Fiona

Fiona Dey  
Parish Officer  
Melksham Without Parish Council  
First Floor  
Melksham Community Campus  
Market Place, Melksham  
Wiltshire, SN12 6ES  
01225 705700  
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**From:** Hughes, Cecelia <[cecelia.hughes@dwh.co.uk](mailto:cecelia.hughes@dwh.co.uk)>

**Sent:** 05 November 2025 14:06

**To:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Cc:** Fiona Dey <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>; Laura Urch <[laura.urch@clarkewillmott.com](mailto:laura.urch@clarkewillmott.com)>  
**Subject:** RE: \*EXTERNAL:RE: Buckley Gardens S106

Good morning Teresa,  
Is there any update in relation to this please?  
Many thanks

**Cecelia Hughes BA(Hons) BTP MSc MRTPI**  
**Planning Manager**  
**Email:** [cecelia.hughes@dwh.co.uk](mailto:cecelia.hughes@dwh.co.uk)  
**Switchboard:** 01454 278000  
**David Wilson Redrow South West | Wellington House, Unit 1, West Point Court, Great Park Road, Bradley Stoke, Bristol, BS32 4PY**

---

**From:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Sent:** 28 October 2025 13:56  
**To:** Hughes, Cecelia <[cecelia.hughes@dwh.co.uk](mailto:cecelia.hughes@dwh.co.uk)>  
**Cc:** Fiona Dey <[office@melkshamwithout-pc.gov.uk](mailto:office@melkshamwithout-pc.gov.uk)>  
**Subject:** \*EXTERNAL:RE: Buckley Gardens S106

Hi Cecelia  
Hope you are having a good week....  
I know that you wanted an answer back on this by Friday this week, but to let you know if we needed a bit longer.

We are not convinced that the eastern bit is right, and should say western – as I mentioned when we met online.  
The parish council's planning committee meet on Monday evening, and can give a definitive answer, our council rules don't let me change something like this without it being a council decision.

In the meantime, I have spoken to Steve Sims, the planning officer, on this, and he thinks it came from discussions with a Highways officer at the time, there is nothing in the minutes of the Planning Committee we all attended to give more background info, or on the amount for the footbridge. On that note, I am getting a site visit organised to get a quote in place.

Will come back to you early next week on the wording below.  
With kind regards, Teresa

---

**From:** Hughes, Cecelia <[cecelia.hughes@dwh.co.uk](mailto:cecelia.hughes@dwh.co.uk)>  
**Sent:** 21 October 2025 15:13  
**To:** Teresa Strange <[clerk@melkshamwithout-pc.gov.uk](mailto:clerk@melkshamwithout-pc.gov.uk)>  
**Subject:** Buckley Gardens S106

As requested

*The sum of two hundred thousand pounds (£200,000.00) towards route enhancements to improve connectivity between the Land, the town centre to the north and education facilities to the east, inclusive of Local Cycling Walking Infrastructure Plan routes, and measures to enhance the use of the pedestrian route on the eastern side of the roundabout between Old Semington Road and Melksham;*

**Cecelia Hughes BA(Hons) BTP MSc MRTPI**  
**Planning Manager**