



Begbroke and Yarnton Green Belt Campaign (BYG)

Deadline 2: BYG WRITTEN REPRESENTATION 3

Comments on the Responses to RRs relating to Decommissioning Obligations and Guarantees (APP-11.4 p. 260)

BYG addressed this matter in their RR-0092, Section 4, pp19-21. It was also discussed in ISH1 under item 3f, which dealt with the draft DCO. BYG set out its position on this matter in advance of ISH1 in their WR PDA-001. The evidence that Dr. Alan Hearne then gave in an oral submission for BYG at ISH1 was confirmed in a written summary.

Following these representations, BYG in this WR comments further on APP-11.4 (p. 260) as it relates to Decommissioning, etc. dealing with the issues in the order in which they arise.

1. The outline Decommissioning Plan (APP 236) does not provide sufficient detail to understand:

- how the decommissioning will be carried out;
- how long it will take (other than a vague assertion of 2 years);
- what impacts it would have.

For example, there is no detail about how the restoration of agricultural land back to BMV would be achieved. The implication in APP-236 is that no attempt is going to be made, presumably because the ground will have been so badly damaged by the piles supporting the panels.

We suggest that reliance on a decommissioning plan which will not be acted on for 40 years requires an assessment now of worse case impacts and harm in all aspects of the decommissioning.

2. The Applicant's Funding Statement (APP 4.2) is full of assertions but provides no evidence to suggest that the financial means to decommission will be available and used for that purpose. No evidence has subsequently been provided, including in APP-11.4, to support the assertions made in the Funding Statement.

3. Although the decommissioning requirement may be legally enforceable under the terms of the draft DCO, there are cogent, practical considerations that could override this.

- Neither PVDP nor SolarFive may be trading in 40 years' time.
- They may not have the funds necessary to use for that purpose.
- They may not be willing to use these funds for decommissioning.
- They may be outside the jurisdiction of UK authorities.

The same would equally apply to any successor organisation if PVDP were to sell the project. Failure to decommission may be a criminal offence, but there are simple means by which corporate assets can be shielded to avoid payment and prosecution. In this case the site would remain derelict, or the taxpayer would be required to pay for the clean up.

4. There is no way of knowing what asset value the BWSF installations may have at the end of their life, or whether that value would be sufficient to fully fund the decommissioning. It is likely, rather, that the asset value would be low, possibly scrap, because no careful, commercial owner would be replacing panels or other components of the scheme in the last years of its life. The panels would be old, probably compromised, and have suffered significant obsolescence and depreciation. Given the information available, the only reasonable assumption that can be made is that residual asset value would not cover the full decommissioning costs. It is unrealistic and irrational of the Applicant to suggest this is a reasonable safeguard for decommission funding.

5. The representations made by the Applicant in respect of this matter raised at ISH1 were no more detailed than are already contained in the Funding Statement. No author of the Funding Statement has yet been identified. There is no PVDP representative involved in the examination who can speak with authority about the financial situation of the Applicant or of any associated companies. During ISH1, the Solicitor acting for the Applicant specifically told the ExA when questioned that he could not vouch for it and, tellingly, did not suggest anyone who could (REP1-095). If their representatives cannot vouch now for the Applicant's financial capability to resource the building of its solar farm, then how much less confidence can be had in its capability to un-build it in 40 years' time?

6. The responses by the Applicant in APP11.4 on decommissioning do not add materially to the insubstantial and unconvincing case set out in the Financial Statement.

BYG's view remains, therefore, that without some form of independently verified financial guarantee, such as a bond, between PVDP and the SoS covering the full cost of decommissioning, BWSF cannot rationally be considered a temporary scheme.

We query whether in such circumstances the DCO could be made. The analysis of the scheme will, of course, be undertaken and reported to the SoS. We believe that the harm it would cause to the Green Belt, to the setting of the WHS, to BMV agricultural land, and to local communities would be permanent.
