



Begbroke and Yarnton Green Belt Campaign (BYG)

Deadline 3, BYG WR: Comments on the Applicant's Responses to the ExA's First Written Questions (ExQ1)

1 Funding and past activities (Questions 1.5.21-1.5.30).

1.1 Throughout the course of the application and examination process the Applicant has presented information about its corporate structure, funding and track record that is incomplete, unsubstantiated, false or misleading. This pattern has continued in answers to questions put by ExA about these matters.

1.2 As an example, in Written Question 1.5.27, the Applicant was asked:

Paragraph 4.5 of the Funding Statement [APP-022] suggests that, since 2009, PVDP has developed 980W across 20 solar projects worldwide. It is assumed that is meant to read MW (Megawatts). If that is indeed the case, this averages at 49MW per project. 1) Does the Applicant have any experience in the delivering or financing of a project the size and scale that is proposed here? 2) Has the Applicant got demonstrable experience in raising the financing required for a project of the size proposed? 3) If not, what reliability is there in the optimism that the finances required for the project will materialise?

As BYG has pointed out (RR-0092), the Applicant has repeatedly claimed that they have "developed" or "built" large projects. In our RR we highlighted statements made by the Applicant about this matter:

1.2.1 At the initial planning meeting with PINS on 19 October 2022, PVDP stated that it "has had 1000 MW of energy generation connected to date".

1.2.2 In a press statement made after an article in Private Eye, PVDP claimed that "Projects developed by PVDP are a matter of record. The company has successfully developed projects with a combined capacity of 870MWp in Italy and Japan".

1.2.3 The introduction to the Environmental Statement (APP-038 1.3.2) claims that PVDP has 1.0 GW “*built to date*”. This is repeated elsewhere in the Application. For example, in APP 038 1.3.2, it is stated that “*PVDP has been building solar assets in Europe and Japan for the last 18 years with 1.0GW built to date.*”

1.3 BYG has provided evidence in both our RR (0092) and our Deadline 2 submission (REP2-060) demonstrating that PVDP has not been responsible for building or developing *any* project of significance. The Applicant has made no detailed comment in response to our RR. If these projects had been developed as claimed, it would have been a simple matter to get written confirmation from other parties to these; for example, from those responsible for operating them now. Nothing has been forthcoming. As our research has shown, the claims cannot be substantiated.

1.4 It is noticeable that the Applicant’s words in response to the ExA’s question are now being chosen more carefully. PVDP is not named as the developer, presumably in the hope that the reader will simply accept PVDP’s implied involvement.

“980 MW have been developed in the following six projects in Japan: Ukujima Solar Farm with a total capacity of 480 MW, Onikobe Solar Farm with a total capacity of 183 MWp, Kawasaki Solar Farm with a total capacity of 56 MW, Yamagata Solar Farm with a total capacity of 58 MW, Akita Solar Farm with a total capacity of 40 MW, Green Academy Solar Farm with a total capacity of 40 MW”

1.5 As reiterated in our Deadline 2 WR 2 (REP2-060), Ukujima Solar Farm - by far the largest project that PVDP has been involved with - was sold before any development took place. It was then plagued with serious problems. It has still not been constructed.

1.6 The only reasonable conclusion from the evidence available is that PVDP does not have the proven track record required for the development of a project on the scale of the Botley West Solar Farm. Given the remaining problems at the Ukijima project, it is also questionable whether sufficient attention is paid to the detail in projects intended for sale to third parties for onward development.

1.7 In response to the ExA’s question regarding evidence of funding and accounts (1.5.28) nothing further has been submitted; only the vague promise of 2024 accounts “*in due course*”. More than 6 months after the 2024-year end, any well organised company would already have had its management accounts for that year available for some time. The accounts of PVDP or SolarFive are not audited, but turning management accounts into pro forma statutory accounts is a simple exercise. This could have been done quickly after the ExA put this question.

1.8 In its answer to 1.5.22, the Applicant claims to be in discussion with independent financial advisors such as EY. It is therefore extraordinary, if not unbelievable, that up-to-date financial information cannot be provided in answer

to a direct question from ExA. This suggests that no funding plan exists and any discussions with financial advisors are, at best, preliminary.

1.9 A further example of the inaccurate statements made by the Applicant is the response to our WR REP1-095. It is stated that the accounts for Cransseta Investments Ltd, the Limassol based company 100% owned by Yulia Lezhen and the claimed source of the funding for the project, are publicly available. This is not true. Given the apparent significance of this opaque entity within the funding structure that is claimed by PVDP to support BWSF, it is surprising that the Applicant is not better informed about the status of its accounts. If the Applicant has decided not to disclose these accounts, this would suggest that it would rather they were not made available to ExA.

1.10 The failure to provide any financial information in respect of Cransseta Investments is a fundamental gap in the Applicant's funding evidence. The Applicant claims that £11 million has been provided to date by Cransseta Investments to support the project but has provided no evidence relating to the amount or to the source of these funds. Nor has it given any indication relating to the funds that might remain available to the project.

1.11 It is not therefore possible to conclude from the evidence provided if there are sufficient funds to finance the CPO acquisitions or the project as a whole. The Applicant has given no indication that the necessary evidence will be provided during the remainder of the Examination.

1.12 Finally in this section, we feel it is appropriate to repeat our original concerns: that no one person with authority to speak on behalf of the Cransseta/PVDP/SolarFive group of companies stands behind any of the statements made about their track record or funding. Yet these are businesses that wish to be entrusted with the largest solar farm in the UK.

The Funding Statement has no author accreditation. None of the answers to these questions or any other statements made on these subjects have been credited to any director, owner or even manager of any of these companies.

1.13 Mr Owen-Lloyd has appeared at the Examination on behalf of the Applicant. He claims to have been a director of Botley West Solar Farm since January 2020. There is no company registered as Botley West Solar Farm in the UK. He also claims to be Principal of Owen-Lloyd Futures and Union Energy Trading, although the latter company was struck off and dissolved in 2010. Companies House shows him to be a director and majority shareholder of both London Grade Coffee Ltd and Ddraig Capital Ltd. Both companies are shown to be late in filing their accounts and under threat of being struck off, although in both cases the strike-off action was suspended in May 2025. None of this confers any authority or credibility to speak about the track record or funding of BWSF. The ExA therefore has little reliable evidence in respect of these critical matters. The answers given by the Applicant to the questions put by ExA have clarified little of any significance.

1.14 It may be helpful at this point to recall that at ISH 1 Mr Sheik asked the Applicant if it could *"provide any assurance that there will be money available in 37.5 years time to restore land back to its original condition?"*

The lead solicitor for the Applicants that day replied: *"on behalf of the Applicants I personally cannot provide that assurance"*.

(ISH1 Transcript Part 3: 1:05:38-1:06:29)

That an instructed solicitor cannot guarantee his client's financial position is not surprising. However, it *is* surprising that he could not offer any witness to provide the assurance requested, and that no representative of the Applicant has subsequently come forward to provide such fundamental evidence. As a result, it has not been supplied. The Funding Statement does not provide that evidence and furthermore it is not verified or verifiable.

2 Decommissioning (Question 1.1.6(5))

2.1 In Written Question 1.1.6(5) the ExA requested the following:

"Although the Applicant stated it was not necessary to include a requirement securing decommissioning bonds, the ExA would request the Applicant provide, on a without prejudice basis, text for such a requirement".

2.2 The Applicant has responded by including the text of such a requirement that was included in the draft DCO of the 50 MW Oaklands Solar Farm (PINS reference EN010122). The Applicant then makes the point that the Secretary of State rejected this in the decision on that project, citing the basis for that decision as the following:

"The Secretary of State notes there is no policy requirement for a decommissioning fund to be imposed as 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".

2.3 However, the Applicant omits to indicate that the Secretary of State did not reject the idea *in principle* that such a requirement could be made but had reached the Oaklands Farm decision on consideration of several factors, as explained in the conclusion.

"In light of all of these considerations the Secretary of State does not consider that imposing a decommissioning fund requirement is necessary. 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"

2.4 The most pertinent consideration was that explained in the paragraph immediately preceding the paragraph quoted by the Applicant, to which the Applicant does *not* draw attention. This paragraph reads as follows.

"In terms of financing the decommissioning stage, the Secretary of State notes the Applicant's funding statement, which it stated was a demonstration that it had sufficient funds to construct, operate and decommission the Proposed Development, and also notes paragraph 2.10.68 of NPS EN-3 which states that solar panels can be decommissioned relatively easily and cheaply".

2.5 When considering Oaklands Solar Farm and concluding that a decommissioning fund was unnecessary, the Secretary of State was clearly satisfied that adequate funding was in place, not only for decommissioning but also for construction and operation. As we have pointed out in our RR (RR-0092) the BWSF Applicant's Funding Statement (APP-022) provides no basis for believing that funds will be available for the CPO, for construction, or for operation let alone for decommissioning. Furthermore, and given the Applicant's statement in response to question 1.1.7 that there may be between 780,000 and 1,600,000 piles to a depth of between 1m and 3m, they can clearly have little idea of the potential cost of decommissioning. In BWSF's case, decommissioning is unlikely to be *easy* or *cheap*. It would be a significant cost to the public purse if the Applicant was to default with no guarantee in place.

2.6 BYG therefore still believes that a bond or similar arrangement is necessary in this DCO to ensure that the full funds required for decommissioning are in place before construction is allowed to start. The form of words would need to be recommended by the ExA to SoS. We are not lawyers, but that offered in respect of Oaklands Farm (a significantly smaller scheme) seems a reasonable place from which to start.

3 Assessment of Alternatives

3.1 The ExA's Written Questions 1.3.1 and 1.3.2 relate to Assessment of Alternatives; in particular, why Cowley had been chosen and why no alternative site outside the Green Belt had been considered.

3.2 The Applicant's responses to these questions continue to demonstrate the lack of consistency and credibility shown from the outset regarding this matter. In our RR (RR-0092) we highlighted the seemingly implausible explanation set out by the Applicant in paragraph 5.6.5 of Alternatives Considered (APP-042), shown below.

"The Project site evolved over a period of several years, beginning in July 2019. From the outset, the general location, overall size, and then the precise project boundaries, have been influenced by the availability of a suitable grid connection, voluntary landowner negotiations, commercial viability, national planning policy, and environmental constraints. In 2019, as part of the Applicants general site search exercise, discussions were held with National Grid

to identify where their priorities lay in order to meet demand and manage the UK electricity supply network. Following a review of the Transmission Network Usage System (TNUoS), managed by National Grid as the Electricity System Operator (ESO), and regulated by Ofgem, it was clear that the South East remained an area where demand was greatest”.

3.3 We contended and still believe that this summary could not be accurate since National Grid does not express preferences for scheme location. In its responses to the ExA’s questions on this matter, the Applicant now makes no reference to discussions with National Grid about site selection. This suggests that paragraph 5.6. was only included to justify the location of BWSF on a site that might otherwise be considered unsuitable.

3.4 In answer to the ExA’s question, the Applicant now asserts that: *“Cowley was chosen because it was the substation that had the capacity to provide a connection of the size sought by the applicant, and NGET were receptive to the Applicant making such a connection”.*

3.5 This statement is inconsistent with statements that the Applicant has previously made.

3.5.1 In paragraph 5.6.5 quoted above, there is reference to the general location being influenced by *“voluntary landowner negotiations”.*

3.5.2 As pointed out by the ExA, it is made clear in the later paragraph 5.6.8 that the existence of willing landowners was known when Cowley was selected. It reads as follows:

“There was one substation in particular where the Applicant considered that it offered good potential to deliver a solar farm at scale. This was at Cowley in South Oxfordshire District. National Grid confirmed there was space at the substation to accommodate a new connection, were supportive of the Applicant to pursue the connection and this was also relatively close to landowners who were also willing to offer land to build a solar farm”.

3.5.3 As we pointed out in our RR Appendix 1, Peter Gerstmann, Director of PVDP, made a statement to *The Times* newspaper (reported 16 Jan 2024) that *“finding a good landlord in the Blenheim Estate was one of the key factors in choosing the site for BWSF”.*

3.6 The chronology of events set out on page 27 in the response to the ExA’s questions contradicts statements previously made by the Applicant on this matter. It is difficult to have any confidence in its accuracy.

3.7 Despite the convoluted and inconsistent arguments used by the Applicant to justify the selection of the BWSF site, several things are clear:

3.7.1 Whatever the precise argument about degree of impact and level of harm caused by the scheme, the site chosen for BWSF contains significant areas of designated land, historic and ecological assets of value, and an

area with a sizeable population already under pressure from urban development.

3.7.2 It defies logic that experienced consultants such as RPS would select this area as the most appropriate when starting from an apparently blank canvas covering the whole country, and when only c.12.5% of England's land is green belt (MHCLG: Local authority green belt: England 2023/24 – statistical release, 5 December 2024).

3.7.3 By PVDP's own admission, it was selected in significant part because Blenheim Estate was willing to provide a substantial area of land.

3.7.4 Unlike many other NSIPs, such as airports and major roads, solar farms benefit from considerable flexibility in respect of scale and location. There is no need, particularly this early in the net zero transition, to use Green Belt land, Best and Most Versatile agricultural land, or to put the setting of a WHS at risk.

3.8 Our research suggests no other solar farm, built or proposed, impacts on multiple designations in this way. We believe BWSF is the only NSIP solar farm proposed on Green Belt land. Others proposed are spread across the country and are not just in the southeast, as the applicant argues was necessary for BWSF.

3.9 The only rational explanation for the location of this application site is that the BWSF site selection process was driven primarily by land availability. RPS would appear to have been given the broad site and then done its best to shape it to reduce impacts. It was seemingly instructed not to reduce the size materially, even when under significant pressure to do so during the consultation periods. The defects in that approach have been clear from the outset.

4 Analysis

4.1 The responses we have provided in this paper relate to particular and separate issues the ExA wishes to understand more fully.

4.2 As part of our preparation for the Examination we researched these issues in detail. That work was summarised in our RR-0092. It appeared to us during our research that the Applicant was being less than candid about all of them; and that this lack of candour has continued through each stage of the Examination, now including the responses to the ExA questions addressed above.

4.3 As a result the Applicant is not providing the ExA with the detailed and consistent information required for a full understanding of why the scheme is located where it is, or why it needs to be as big as proposed despite significant consultees suggesting it should be much smaller.

Furthermore, there is no credible evidence in respect of the Applicant's ability to fund or execute BWSF.

4.4 The Applicant's approach has been to avoid answering questions or providing detailed evidence in respect of all these matters. A small German company, apparently inadequately capitalised and which has consistently and significantly exaggerated its track record in developing solar farms, wants the UK Government to believe it will be adequately funded by a Cypriot company which has produced neither accounts nor evidence of its financial capability to do so.

Without first hand evidence on these fundamental issues, we believe the Applicant lacks the capability, credibility and suitability to warrant the granting of this DCO.

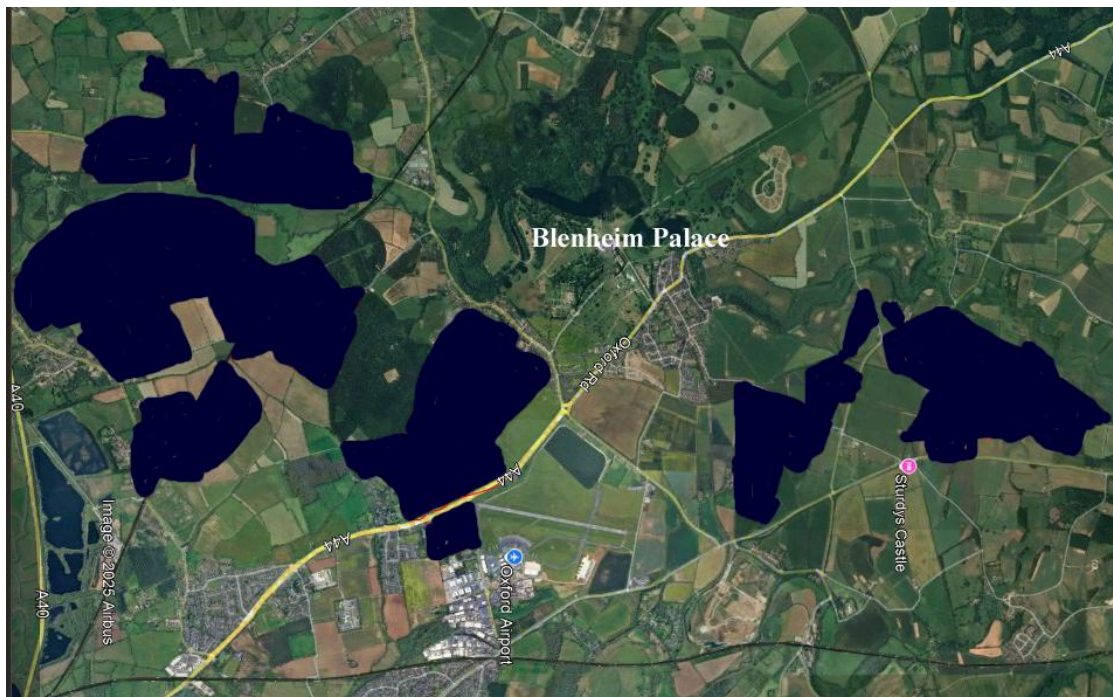


Begbroke and Yarnton Green Belt Campaign (BYG)

Deadline 3. BYG Comments on Historic England`s Response (REP2-056) to the ExA`s First Written Questions (ExQ1)

The Importance of Aerial Views in the Examination

1. In its first Written Questions, the ExA rightly raised the relevance of aerial views of Blenheim Palace and its surroundings as a matter for consideration during the examination. In their answer to the question, Historic England agreed that these views should be considered (REP2-056).
2. This is an important consideration, the effect of which has yet to be fully understood. In Deadline 2 submission (REP2-064), we provided the Google Earth image below. This shows the panels that would surround Blenheim Palace if the Botley West Solar Farm were to be developed. [Note: since submitting this image two small areas of panels are being removed by the Applicant (REP2-045) but this will make no significant difference to the impact of seeing the WHS surrounded by this scale of industrialisation.]



3. Brize Norton and London-Oxford airports generate a significant amount of activity in the air over Blenheim Palace and its wider setting. Both airports, particularly Brize Norton, receive international flights carrying political and commercial VIPs.

4. Furthermore, and yet to be appreciated, is the impact the proposed BWSF development would have on all car drivers and others approaching Blenheim or its vicinity who are using Google Maps for navigation in Live View. They will be seeing the same Google Earth image as seen from the air (as shown above).

5. A recent Martin Lewis poll in June (38,953 votes) would suggest that, for those drivers using navigation systems, around half are using Google Maps. Many others following proprietary inbuilt satellite navigation will also be using Google Earth. A photograph of the standard navigation screen for a Tesla is shown below revealing the extent of the landscape that is visible while driving the car.

6. In the Applicant's response to the ExA's question 1.1.14 it is stated that the layout of BWSF's infrastructure has been informed by the following:

Desire to avoid uninterrupted views of the solar farm from any public vantage point, by the introduction of either new planting of hedgerows and woodland, and the effective management of that resource.

The need to avoid any unacceptable direct or indirect effect upon the Blenheim Palace World Heritage site

7. West Oxford District Council (REP1-081 6) and Historic England (REP1-085 1.14-1.16) have both indicated that the Applicant has understated the impact of the development on those observing the site at ground level. We would argue that the Applicant has also failed to address the visibility of the site to those in the air, and to those using Google Earth while travelling by car and by other means of transport.

8. The industrialisation of the landscape surrounding Blenheim would be clearly visible to both. New hedgerows or woodland would not, of course, mitigate the impact. The Applicant would have failed in its stated objective to "*avoid any unacceptable direct or indirect effect upon the Blenheim Palace World Heritage Site*".

Following: photograph of a navigation screen using Google Maps in the vicinity of Blenheim Palace, showing how the landscape that would be covered in solar panels would be seen by the car driver.

