



Begbroke and Yarnton Green Belt Campaign (BYG)

Deadline 4: BYG`s Response to the Applicant`s Response (**REP3-064**) to our D2 submissions, **REP2-059**, **REP2-060**, **REP2-061**, and **REP2-062**.

This submission provides BYG`s comments on the Applicant`s responses to our D2 submissions.

Generally, we consider they are not up to the standard to be expected of an examination process as significant as the one in hand. They are often muddled, and important issues are either not addressed or are obfuscated.

BYG has striven for accuracy and precision in its submissions to the Examination. We regret the Applicant`s apparent inability to properly address the significant points we have raised.

1. REP2-059

1.1 In this submission we drew the ExA`s attention to the following statement that had been made by Blenheim in **REP1-098**:

"The land required for the solar project is held on trust. Income generated by the land must be applied to the World Heritage Site. This is a binding obligation on trustees, who provide account to HMRC on an annual basis. These are existing financial mechanisms in place today, passing funds to the Blenheim Palace Heritage Foundation. Depending on the final design of the scheme and the exact land drawn down, that flow of funds will increase from around £80k pa today to in the region of £500k pa once developed out. All of this income will be committed to the maintenance and restoration of the World Heritage Site. Accordingly, there is significant public benefit to be derived from the development of the solar project in the form of derived income supporting this important heritage asset".

We demonstrated (**REP-059**) that this appeared to be a wholly inaccurate and unsupported statement that cannot be relied upon. Given the scale and significance of contribution to the WHS being suggested by Blenheim, it is reasonable to expect that the Applicant provide detailed evidence to counter our

assertion, and to support what had been claimed. On the contrary, on page 10, we are given further obfuscation.

1.2 However, BYG can assert that what we claimed to be the case is indeed correct.

We pointed out, in **REP2-059**, that the Blenheim Palace 1984 Maintenance Fund is the only Blenheim entity that has a legal obligation to pass profits through to the WHS. This is confirmed by the Applicant, on page 10 of **REP3-064**, where it is stated that *"Outside of the 1984 Maintenance Fund obligations, any contributions to the Heritage Property are made on a discretionary basis"*.

The Applicant goes further and states that *"there are no other discretionary contributions proposed as part of the Botley West project"*

1.3 We also pointed out that there is no track record of the 1984 Maintenance Fund having passed profits through to the WHS. In fact, this fund appeared to be an inactive entity. The Applicant can only refer to a *"schedule of funds received from the Maintenance Funds in the Charity Accounts to March 2024"*. In those accounts, there is no reference to *any* funds being received from the 1984 Maintenance Fund. The summary of balances with related parties provides further confirmation that there is no meaningful interaction with that fund.

1.4 The Applicant refers to the report from Withers (**REP3-068**), inferring that it clarifies the flow of funds from the 1984 Fund and the obligations it has. The report from Withers does no such thing. Had the Applicant wished – and had Withers been prepared to do so – a statement from Withers could have been provided clarifying both the flow of funds and the legal obligations in place which would result in £500K being contributed.

1.5 The report does explain why the 1984 Maintenance Fund appears to be inactive. In paragraph 2.3, it confirms that *"In 1984, the court authorised the transfer of some of the land held by the Parliamentary Estates to the 1984 Maintenance Fund. That land was then leased to the Blenheim Settled Estates (a settlement established by the 11th Duke of Marlborough)"*. It then goes on to state that *"In 2006, VUT acquired the leasehold interest in the land held by the Blenheim Settled Estates mentioned above (and the reversionary interest remains with the 1984 Maintenance Fund)."*

In other words, the Vanbrugh Unit Trust (VUT) has the leasehold interest of all the land that is owned by the 1984 Maintenance Fund. It is therefore entitled to all the profits generated from holding that leasehold interest. There would be an exception if there was a windfall clause to the benefit of the 1984 Fund, but Withers would have indicated that in their summary if that was the case. The Applicant confirms, on page 10 of **REP3-064**, that *"The Vanbrugh Unit Trust does not have an obligation to provide funds to the World Heritage Site"*.

1.6 We therefore re-assert our view that the statements made by Dominic Hare to the ExA on this issue are inaccurate at best. There is *no* legally binding arrangement to ensure that any profits arising from the Botley West project would be of benefit to the WHS.

1.7 We consider that the presentation to the ExA of such inaccurate and unsupported information undermines the integrity of the Examination, as also does the Applicant's repetition of the £500,000 claim on page 13 of **REP3-064**.

2. REP2-060 – part 1

2.1 Extraordinarily, the Applicant does not dispute or comment on our reference to *Private Eye*'s claim that a false name for a director was used at Companies House when registering SolarFive and related solar companies, as well as when submitting the application to Ofgem for the Electricity Generation Licence. Yet, as we state again, this is a very serious matter.

2.2 In its response to **REP2-060**, the Applicant states that Yulia Lezhen is a resident of Cyprus and owns Cypriot property, but they do not dispute our suggestion that her Cypriot passport was obtained through the "Golden Passport" scheme that used to operate in Cyprus. It may well be the case that Lezhen has, and does, spend time in Cyprus. What the Applicant fails to mention is that she also has a long and well-established track record in Russia. This is highly significant given the lack of information provided by the Applicant relating to Cransseta Investments Limited. This Cypriot registered company owned by Lezhen was confirmed by the Applicant as being the source of all the project funding (see **REP2-025** answer to Q1 5.26). Without detailed information relating to this company, it is impossible for the ExA or SoS to know the source of any funds that are being, or will be, transferred to the UK to support this project. These funds could be coming from Russia - or anywhere else in the world - from unknown sources and activities. There is no proven link between any supposed funding and the solar farm projects the Applicant claims to have developed in Japan or elsewhere.

2.3 We should also refer back to the *New York Court Discovery Document*, submitted as **Appendix 2** in our **RR-0092**. Here it was stated by JSC "INGTORGSTROY" that they believed Lezhen was merely the nominee holder of her late husband Dmitry Glukov's assets, including Cransseta. As far as we know, this has never been contested. As previously detailed in our RR, Cransseta Investments is a profoundly opaque company with a multitude of possible revenue sources. It has none of the characteristics normally to be expected of a source for BWSF project funding. Yet this is the company the ExA and SoS are being asked to accept as providing the foundation funding for the largest solar farm project ever proposed in the UK.

2.4 To summarise, there is a lack of transparency in respect of Lezhen's Russian background and connections that should raise concern; particularly so in the light of the evidence set out above, and in view of the attempts initially made to mask them by apparently using a false Europeanised name.

2.5 In responding to our criticism that any financial information provided is out of date and unaudited, and that no information has been provided in respect of the most significant entity Cransseta, the Applicant merely confirms what is

already known: that the accounts of SolarFive are indeed unaudited! No reference is made to the accounts of PVDP Germany, nor to Cransseta.

Its failure to provide any credible financial information at this stage in the Examination can only lead to the assumption that such information - which clearly exists - is going to be withheld by the Applicant.

3. REP2-060 – part 2

The second part of BYG`s **REP2-060** dealt with the failure by the Applicant to provide credible evidence that it had any experience of building utility scale solar farms.

The Applicant`s response to this provides no further evidence that such experience exists. Our D3 submission (**REP3-085**) also deals with this matter. The Applicant appears to have exaggerated its track record to the point of misleading all parties to this Examination.

4. REP2-061

4.1 In this submission we commented on:

- The lack of adequate information in respect of the plan for decommissioning.
- The lack of evidence in respect of available funding.
- The lack of any representative for the Applicant with knowledge of the history of PVDP or of its detailed funding.

4.2 The Applicant has chosen not to respond specifically to our detailed analysis. We again submit that our analysis is accurate and that it forms an appropriate basis on which to examine this matter.

5. REP2-062

5.1 We commented in this submission that Historic England`s view that BWSF “*would contribute to the WHS*” was based on nothing other than the evidence presented by Dominic Hare in Blenheim`s written summary of the oral submissions.

5.2 The Applicant has responded to the comment by pointing out that similar assertions were made in paragraphs 1.5.17-1.5.18 of ES Appendix 7.4 (**APP-141**).

These two paragraphs read as follows:

The Blenheim Palace WHS is very unusual amongst World Heritage Sites in that it is wholly privately owned. As such it does not benefit from any form of public sector funding. Full implementation of the strategy set out in the 2017 Management Plan will be completed by 2026 at a cost of at

least £40 million pounds, all of which has to be generated by The Blenheim Estate.

Part of the Blenheim-owned land which would be utilised for the Project is owned by a Maintenance Fund whose purpose is the upkeep and maintenance of the World Heritage property. A significant part of the revenues from the Project would therefore flow as regular long-term income to the Maintenance Fund, giving it a significantly enhanced revenue over and above the current low grade agricultural uses. Consequently, benefits would accrue to the World Heritage property by way of increased revenues to help address the current heritage funding deficit when compared against the targets within the WHS Management Plan. This very positive impact should be taken into account when assessing the proposed Project.

5.3 This is simply a general statement. There is no evidence providing assurance that legal obligations are in place to ensure that such benefits would arise. This topic has been thoroughly covered in the section on **REP2-059** above.

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