Response at Deadline 5 from Rosemary Lewis. IP 20054900

I have two ongoing concerns. These are the Applicant's continued failure to:

1. Amend the inconsistencies in the Glint and Glare Assessment of the impact on Residetial Properties.

2. Carry out an RVAA. This refusal is based on their flawed LVIA which concludes that the need for an RVAA has not been triggered.

1. Inconsistencies in the Glint and Glare Assessment

NB Applicants comments *in italics*

1.1. Inconsistencies in the Glint and Glare Assessment have been raised several times since the start of the Examination by me [AS-037 and REP3-115] and by SBW Community Impact Report [REP2-081]

1.2. The Applicant has now submitted their revised Solar Photovoltaic Glint and Glare Study (Rev 1) July 2025 [REP4-012] but this too is flawed and has not resolved the inconsistencies. In their Glint and Glare Assessment Conclusions – Dwellings they state; "*Solar reflections are geometrically possible towards 632 of the 699 assessed dwelling receptors. For four dwelling receptors [previously 7], no significant relevant screening or other mitigating factors has been identified. A moderate impact is predicted and mitigation is recommended (see Section 7.6.2). For the remaining 628 dwellings, screening in the form of existing and proposed vegetation is predicted to obstruct views of reflecting panels. No significant impacts are predicted, and no mitigation is recommended"*

1.3. The Applicant has yet again failed to explain why a property with "*no significant relevant screening*" requires mitigation and a property where there is "*proposed vegetation*" does not. If the Applicant is planning vegetation to obstruct views that surely means there is no significant screening present now!

1.4. Using the phrase "*existing and/or proposed vegetation*" implies that at least some of the properties do <u>not</u> have existing vegetation. In which case they too have "*no significant relevant screening*" and should be assessed as "*moderate impact, mitigation recommended*".

1.5. Unfortunately the Applicant does not distinguish between these two types of vegetation and the maps/images that would allow others to judge for themselves are missing.

1.6. I have been asking for these images since 28 March 2025 when Mark Owen Lloyd replied to my email saying he had asked RPS to get these from Pager Power. Evidence of this e-mail exchange was submitted [REP3-115] to the Examination. In this submission, I specifically asked again - through the ExA - for the images to be supplied but I have still received nothing. Unbelievably the Applicant's response to this request in their submission REP4-038 was simply to repeat "*Pager Power can provide further images depicting the desk based analysis for a specific dwelling upon reques*t" This is an unacceptable lack of response preventing independent scrutiny of the Glint and Glare methodology, findings and conclusions.

1.7. I find it extraordinary that the Applicant was apparently prepared to accept my evidence that two of the dwellings in the northern site (N36-N37) did not need mitigation because they already have sufficient existing vegetation to provide screening and to re-assess them as low impact (from moderate), no mitigation recommended.

1.8. While, at the same time, they failed to change the assessment on another property (N34) on the northern site for which I had also submitted photographic evidence that there <u>was</u> need for mitigation as no significant screening exists (in fact no screening at all). This should have changed the assessment from "no impact" to moderate.

1.9. A number of other properties on the Central or Southern site (up to 600) could have been wrongly assessed by the Applicant but cannot be cross checked by the Examiners without the missing images. If they had been recognised as needing mitigation then the conclusions would be quite different and an RVAA would have have been triggered.

2. The case for an RVAA. Applicant's responses to the ExA

2.1. For over two years, since they published their Scoping Opinion in July 2023, the ExA have been asking for the Applicant to carry out an RVAA..

2.2. **July 2023**. Scoping Opinion. 3.2.3 Residential Visual Amenity. The ExA "does not agree to scope out a RVAA at this time".

2.3. **November 2024**. In ES Chapter 8 LVIA [APP-045] the Applicant's response to ExA is:

Residential Visual Amenity Assessment during all phases *A Residential Visual Amenity Assessment (RVAA) is proposed to be scoped out as no significant effects are expected "that would overwhelm existing properties nor render properties an unattractive place to live". No further justification is provided for scoping this matter out.* *In line with guidance, the requirement for a RVAA is generally dependent on the outcome of a Landscape and Visual Impact Assessment (LVIA). Therefore, in the absence of LVIA conclusions, the Inspectorate does not agree to scope out a RVAA at this time. The need for an RVAA should be justified based on the conclusions of the LVIA presented in the ES and agreed with the relevant consultation bodies.*	The need for an RVAA will be determined through the outcome of the ES and through further consultation with relevant parties as required following the ES process. As part of the ongoing iterative design process through the LVIA and wider ES, residential properties (predominantly individual farmsteads) in proximity to the Project have been identified. As part of the embedded mitigation for the Project a minimum 25 m offset to the Project has been included from the outer edge of the property boundary. Refer to Botley West Masterplan Overview Figures 2.1 to 2.4.

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2.4. Note that the Applicant responds: "*As part of the ongoing iterative design process through the LVIA and wider ES, residential properties (predominantly individual farmsteads) in proximity to the Project have been identified."* Note also the derisory 25m buffer offered.

2.5. **June 2025**. **Examiners' 1st Written Questions.** In ExQ1.14.4 the ExA reminds the Applicant that "the Scoping Opinion required assessment for RVAA" and provides step by step guidance for the Applicant.

2.6. The Applicant fails to agree to ExA suggestions. However, it is worth noting that, this time, their response mentions "*individual properties and settlements*" rather than "*individual farmsteads*" so the list is growing but they don't provide numbers.

2.7. Their response is a list of unjustified statements based on "professional judgement".

2.7.1. "*Many of the individual properties have existing vegetation within their boundaries which would further limit the effects of the Project*." How can they tell this from a desk top study?

2.7.2. "*Additional mitigation, as shown on the Illustrative Masterplan [APP-062*]". The scale of these plans is far too small to identify individual hedge planting.

2.7.3. "*Due to the low level of the Project and proposed mitigation, it is anticipated that there is no potential for any private views to be adversely affected to an extent that would result in a level of effect, which would trigger the requirement for RVAA used"*. This conclusion is based on flawed methodology highlighted by OHA and others.

2.7.4.“*The [Glint and Glare] recommendations can be revisited to ensure that all have been considered properly, and any further mitigation can be added as necessary*.” This hasn’t happened.

2.8.**July 2025. Examiners’ 2nd Written Questions.** In ExQ2.13.15 on RVAA [REP4-037], the ExA, yet again, notes the requirement for an RVAA and points out that OHA have questioned the methodology that led to the assumption that the RVAA was not required, and that this does not appear to have been fully addressed in response [REP2-026].

2.9.In their answer, the Applicant finally produces a list - albeit far from complete of “*Individual and groups of properties closest to the site*”. So the impacted properties they identify now number in excess of 50 (although the number included in areas where properties are grouped together is unclear). A far cry from the “*individual farmsteads*” they started with.

2.10.However, there are nearly 200 properties within 100m of the site which should have been properly assessed. Among the many errors and omissions, Bladon properties are inadequately identified, many impacted properties in Cassington, Farmoor, Cumnor and Shipton Slade are missing. Willow Park does not appear to exist, “Upper Dornford” ignores more impacted properties further south on the same lane.

2.11.How was this list arrived at and why hasn’t it been published before? Why were these properties included but many other impacted properties are not? How were they “looked at” and where is the evidence of a proper assessment?

2.12.Surely this should have been formally undertaken in an RVAA and published with the other ES documents - as the Inspectorate have been asking for since they wrote their Scoping Opinion and as many other IPs including Statutory Consultees have raised since the earliest days of this examination.

2.13.And yet, despite all the challenges from ExA and the representations from IPs, the Applicant still refuses to consider an RVAA and continue insist on a mere 25m buffer zone - the lowest of any solar farm being built or proposed in this country.

2.14.Notice that they are now openly talking about mitigation being required and put in place - a complete turn around from their claims in the Glint and Glare Assessment that for 600 properties with potential for Glint and Glare no mitigation was recommended. Additionally, for some, due to the highly contoured land in the Central and Southern sites, no amount of hedging will obscure the extensive views of panels.

2.15.The Applicant finish their answer with “*It should be noted that, as a result of Change Request 2, buffers from a number of residential receptors will be further increased. Including, but not limited to, a large area around the village of Bladon (Change 1) and Begbroke (Change 2) [REP2-045]”*

2.16.It should also be noted that these changes have been forced upon them on Heritage Grounds not on Landscape and Visual Amenity so an unintended consequence rather than a genuine attempt to address LVIA and RVAA issues.

3. The case for an RVAA. The Applicant's response to REP3-115 (R.Lewis)

3.1. The Applicant claims that Residential Visual Amenity Threshold (RVAT) has not been met despite admitting that "*there are situations where the effect on the outlook / visual amenity of a residential property is so great that it is not generally considered to be in the public interest to permit such conditions to occur where they did not exist before*" and that schemes "*might only require RVAA assessments for properties 50-100 m from the development".*

3.2. The Applicant does not specify the number of properties in this category but says "*The effect on individual properties, raised during consultation, including public consultation events, were addressed in subsequent discussions with the property owners".*

3.3. This implies that the Applicant only dealt with people who raised objections during the consultation rather than doing their due diligence as the Developer and identifying <u>all</u> affected properties. As already mentioned, there are nearly 200 properties within 100m of the site boundary and only a fraction of these have been considered.

3.4. The Applicant's final answer in their response to [REP3-115] states that it "*has committed to temporary screening to mitigate the effects towards road users and residential properties immediately upon installation*". This is secured by the oLEMP.".

3.5. This is both misleading and worrying. Neither the term "*temporary screening" or "temporary fencing"* appear in any of the 3 revisions of the oLEMP, nor anywhere in the Glint & Glare Rev 1 report.

3.6. So is this a serious proposition or just another new idea thrown into the mix since questions about the time required to grow a hedge have been raised? Have residents been asked if they want a 2/3 metre fence erected just outside their property?

3.7. The process of agreeing where "temporary screening" was being planned should have included full consultation with the affected properties. Among the many local residents I have spoken to with properties on the site boundary none report that they've been informed, let alone consulted on the matter of "temporary screening".

4. Conclusions and request.

4.1. The Applicant has failed to take the opportunity, in their revised Glint and Glare Report, to distinguish between existing and proposed vegetation in their assessment of impact on Residential properties.

4.2. They have failed to produce the promised images of vegetation for the Central and Southern Sites, thereby preventing further independent scrutiny of their assessments.

4.3. This has resulted in a significant under-reporting of the number of properties suffering at least moderate impact and a false conclusion that an RVAA has not been triggered.

4.4. They have refused to carry out an RVAA despite repeated and numerous calls from ExA and other IPs including OHA to do so and have failed to justify this refusal.

4.5. This issue goes to the heart of what the vast majority of the Community feel is the problem with this proposal - that it's too big and in the wrong place. Affecting nearly around 25,000 people in 11,000 properties with 1.5km, it is the largest and most densely populated site of any Solar Farm proposal yet examined in the UK and the Community feel extremely strongly that their views (literally!) have been ignored.

4.6. While appreciating that ExA cannot force an Applicant to make changes to their DCO, I would respectfully request that, if the Applicant refuse to make <u>significant</u> reductions to the panel area - in line with the recommendations of OHA, HE, ICOMOS, several Parish Councils and many other IPs - that ExA give this very serious consideration in deciding the fate of this DCO application.