Begbroke and Yarnton Green Belt Campaign (BYG)

Deadline 7, BYG:

CLOSING STATEMENT, BWSF

Acknowledgements

BYG would like to acknowledge the open and fair way in which ExA has conducted its Examination into the proposed BWSF solar farm, and to thank the Inspectors for their diligence in reading the voluminous paperwork generated by BYG and all IPs. IPs put considerable voluntary effort and resources into preparing evidence for the Examination in anticipation that it will be given a fair hearing. ExA`s conduct of the Examination has, in our view, been exemplary and has enabled those who engaged to be heard effectively at all stages.

BYG also extends particular thanks to Simon Raywood and his Case Management Team for their assistance, always willingly and conscientiously given to BYG`s team whose unfamiliarity with the DCO process, especially in the early stages, will have been evident.

1 OUR LOCAL AUTHORITIES

1.1 The Oxfordshire Host Authorities (OHA) have done an extremely thorough job in providing the Examination with extensive, detailed and objective advice, in a timely fashion despite this being a particularly pressured time for them all.

1.2 Although not the planning authorities for this scheme, the OHA do understand the broader planning context, particularly how Oxfordshire can help meet the UK's challenge of developing renewables while maintaining the environment which defines it. They are, of course, familiar with the local landscape and ecology, the Oxford Green Belt (OGB), and issues relevant to Blenheim Palace World Heritage Site (WHS). All the OHA notably support the development of renewable energy in their county and have put in place policies to deliver carbon reduction. None, however, support Botley West Solar Farm (RRs-0164, 0793,1086,1102). We urge the ExA and SoS to take serious note of their views.

1.3 The openness, objectivity and clarity of the OHA representations contrast with much of the evidence presented on behalf of the Applicant which often seemed designed to obstruct the Examination from getting the full facts about BWSF, its impacts and the Applicant itself. The approach by the Applicant suggests it cannot be considered a trusted partner in the UK`s plan to achieve net zero.

2 BYG: CREDENTIALS AND APPROACH

2.1 In our RR (0092: Introduction), we set out some of the background to BYG, which originated from a desire to protect the Oxford Green Belt (OGB) from being developed. To do so, it became clear that we needed to understand and challenge the basis on which development proposals are made. Our analysis of BWSF, the Applicant, and the likely position of other parties interested in the scheme, helped us identify which issues to look at in detail.

2.2 Within our group, as well as having planning experience, we have extensive knowledge of how businesses operate and are funded, as well as the corporate management of large-scale projects and the investment they require. Our experience is international, and we understand good corporate governance and know bad governance when we see it. We therefore feel qualified to make the critical comments included in our representations about PVDP, Cransseta and associated companies in the corporate web owned by Russian national Yulia Lezhen; in particular about their track records, funding capabilities and suitability to develop BWSF.

3. THE BYG CASE

3.1 Little evidence has been produced by the Applicant which challenges or successfully contradicts the points we made in our RR-0092. In places, our case has been strengthened by the Applicant's responses.

3.2 An example is the attempt made by the Applicant to justify its assertion that the cost of decommissioning would be met by the sale of the used panels removed from the site. This absurd response was accompanied by a complete lack of evidence to justify the Applicant's position (REP5-060). That was then compounded by the Applicant claiming that the metals recovered in recycling will cover the decommissioning cost (REP6-049: pp54/55). It was not difficult to show that even the documents cited - when read in full - do not support this rather desperate argument (REP7: receipt ref. S638EFB06).

3.3 In summary, we contend:

3.3.1 BWSF lacks both integrity and credibility, being unnecessarily large; located on Green Belt (GB) and on "*best and most versatile*" agricultural land (BMV); adjacent to a World Heritage Site (WHS); prejudicial to other significant historic and ecological features; compromising of London Oxford Airport; at risk of sterilising mineral extraction; and impacting on significant numbers of people. Its harmful effects would outweigh the benefit of its electricity generation, which could be produced from other sites causing far less impact.

3.3.2 PVDP, Cransseta, their associated companies, as well as Yulia Lezhen and Peter Gerstmann as owners and directors, are inappropriate partners for the UK Government and its people in pursuing our Net Zero policies.

3.3.3 There is no clarity on funding for the scheme, or any evidence that the companies involved have, or can secure, the necessary funds. Neither the ExA nor Secretary of State for Energy Security and Net Zero (SoS) can be sure that the scheme will be delivered, or - if delivered – where the funds will have come from.

3.3.4 These matters are of fundamental as well as legal significance in the final decision about this scheme, not least because none of the companies (apart from the shell SolarFive) are UK based. If it can be secured, the funding may involve international finance and therefore security issues.

3.3.5 The scheme cannot be considered to be temporary unless decommissioning can be guaranteed. The case presented by the Applicant does not even attempt to do this. The guarantee proposed by ExA for inclusion in the DCO must be retained, whatever the decisions made by SoS in respect of other DCOs.

3.3.6 The support by Blenheim Estate (BE) for BWSF, which would be built largely on its land, cannot be seen as an endorsement based on an objective

evaluation of the scheme's impact on the WHS for which it is responsible. The evidence has indicated that for BE managers, and apparently for the Duke of Marlborough and the Trustees (both notably silent at this Examination), this is simply another commercial venture.

3.3.7 This is not a carefully worked out scheme for which a DCO is being sought, but a DCO-driven project for which important detail is missing. Much of what has been presented at this Examination will have to be changed if the Order is made and the money can be found to develop it.

3.4 The rest of this statement highlights key matters which support these arguments.

4 SITE SELECTION AND SCALE

4.1 Solar farms are footloose developments. They enjoy almost infinite locational possibilities. Unlike all other infrastructural developments which have precise scale and locational requirements, SFs can be located anywhere on reasonably flat land from which a grid connection can be made. Given the lower value of SF compared with other types of development, agricultural land without other development prospects is likely to be targeted. Yet the Applicant would have us believe (APP-042:5.2 and following) that its consultants searched across the whole of south-east England before concluding a) that the Application Site was more suitable than any other for a large-scale SF; and b) that it was necessary for it to be 840MW. This is sixteen times larger than the minimum size for an NSIP which is 50MW. It is currently the largest SF proposed in the country (RR-0092, Section 1+ para 6.9).

4.2 The Government has reviewed the planning regime for solar and wind projects. As a result, from 31 December 2025 the threshold for solar farms to be considered NSIP is being increased to 100MW. (*Infrastructure Planning (Onshore Wind and Solar Generation) Order 2025 No.694.*) Botley West would still be over 8 times larger than this recently reviewed threshold.

4.3 The evidence before this Examination demonstrates clearly that selection of the BWSF site was neither objective nor independent. It was primarily driven by land being made available by BE (RR-0092: section 1). For those who doubt this conclusion, the issue can be regarded the other way round. RPS is an experienced firm of planners and environmental consultants, and Pinsent Mason is a law firm which specialises in representing clients in planning matters. Is it likely, given a blank canvas stretching across the whole of south-east England, that they would otherwise have recommended this site to their clients? As experienced professionals, they would have recognised the problems which would arise promoting a site largely in the OGB and close to a WHS, the construction of which would require the use of extensive areas of best and most versatile agricultural land (BMV)? Furthermore, a site that would probably

sterilise an extensive area of mineral-bearing land; that would be close to a significant number of well populated settlements; and that might compromise an airport supporting a nationally recognised flying school?

4.4 Such a proposition lacks credibility. It undermines and compromises the veracity of everything the Applicant has said about its scheme. At one point the Applicant argued that it was directed to the Application Site by National Grid. The evidence says otherwise (REP3-085: section 3). Peter Gerstmann, a director of PVDP and SolarFive, seems to have revealed the true picture when he told *The Times* (as reported on 16/1/2024) that finding a good landlord in the Blenheim Palace Estate was one of the key factors in choosing this site (RR-0092, Annex1, p3).

4.5 During the Consultation required by the DCO process, the Applicant was unwilling to amend its scheme by removing areas of panels, despite its vast scale. Preparing this statement, we re-read the reports on the adequacy of consultation produced for the ExA by the OHA (AoC-001,003,006,009). In the light of the evidence subsequently given to the Examination, it would have been no surprise had those reports concluded that the consultation was inadequate. The Applicant ignored the consultation response from London Oxford Airport concerning the fundamental issue of aircraft and human safety (ISH1: transcript part 3: 00.09 and following). Clearly, it had little intention to modify its scheme. Even at ISH2, the airport representatives were still expressing safety concerns relating to thermal plumes, bird strike and a lack of accuracy over panel removal, which had not then been resolved (REP6-113/114). Even after Deadline 6, it is unclear whether these matters *will* be resolved.

4.6 Well into the Examination, and as late as possible to gain acceptance, the Applicant eventually decided to change the scheme (CR2-001) to meet some of the objections concerning the setting of the WHS site and to try to agree a revised boundary with the Airport. It ignored other proposals which might have made the scheme more acceptable to OHA as well as other IPs. It described the changes made as being of a "*relatively minor nature".* We agree, and ask why it did not do more? In REP6-052 (Response to Rule 17 letter 14/10/25; Section 9, Part 2), the Applicant suggested that "*if all of the areas proposed to be removed by OHA were applied, this would result in the loss of 495MWp. This would make the scheme not even close to being viable."* This unsubstantiated assertion is not credible. The Applicant has produced no evidence about the viability of the scheme at any point in the Examination. Without supporting financial information, it cannot expect the ExA to take this claim seriously. Even after reducing its scale by 495MW, the scheme would still be over 300MW, more than six times the minimum size for an NSIP now, and three times the soon-to-be-doubled threshold. Is the Applicant suggesting that no schemes at or below this scale are viable? Many SFs have been built - presumably because they *are* viable - below the 50MW NSIP threshold. This was either a deliberate or woefully mistaken decision to reduce the revenue from the scheme "pro rata" without

reconfiguring it and reducing its costs. The size and boundaries of the Application Site are highly flexible.

4.7 It also seems from discussions at ISH2 (Issue 3a) that the electricity generated from the reduced, Changed scheme would remain at about 840 MW (REP6-047). This illogical assertion was subsequently undermined by the viability argument discussed in the previous paragraph. It is explicable only if the Applicant does not know what the generation capacity of its scheme really is. This lack of precision is found across the detail of the scheme, much of which derives from its enormous scale. It is asserted, for example, without any detailed evidence or apparent plans, that both the construction and decommissioning phases of the project will take two years. The likely reality is that the scale of the scheme has discouraged the consultants from doing the necessary work to understand how the scheme would be constructed or decommissioned and the land restored.

4.8 The ExA has regularly identified missing detail in the scheme. The debate at ISH2 (Issue 3d) and subsequently about the Residential Visual Amenity Assessment is a late example of this. (ExA request for further information, 23/10/25.) Experience suggests that the larger the project the greater the knowledge gaps and the larger the execution risks. The UK does not yet have experience of constructing and operating industrial-scale solar farms. The lack of attention from the Applicant to many detailed matters reinforces significant concerns already held about its ability and credibility as a developer. That it claims the Ukujima scheme in Japan as a success when it remains unfinished (RR0092:3.5.2) shows it does not understand what it takes to complete the construction of a SF, one that is only a little more than half the size of BWSF.

4.9 We indicated in REP3-083 that the Changed scheme does not alter our position regarding any of the issues already raised in our representations. We would like to reiterate that some IPs have not had the resources to track the Examination as closely as we have. It cannot be assumed that those who did not comment on the Changed scheme should be deemed to have withdrawn their objections. The complexity this creates for all participants in the Examination is entirely the responsibility of the Applicant. These changes, including the surprising “without prejudice offer” of further adjustments to the Application Site (REP6-052), should have been brought forward immediately after the RRs had been published.

4.10 PVDP’s consultants and lawyers have been obliged to defend the site simply because BE was prepared to make it available. Their lengthy defence of it still lacks important detail. In our view, they have failed to justify the unjustifiable. In several discussion points in ISH2 (Issues 3a/d), they were reduced to general bluster and were unable to answer the questions posed.

4.11 The project lacks the involvement of experienced, better financed and reputable energy companies. Reputations can be lost on projects such as this.

More realistic and less risky schemes are available for investment in the UK renewable energy sector, as evidenced by the growing number of NSIP SF applications.

4.12 The Applicant emphasises the benefits of its scheme rather than analysing whether the site was properly selected (APP-042, e.g. 5.2.10). The only benefit of the scheme is the generation of electricity. The same amount of electricity could be generated from the same area of land which is not on BMV, or on GB, or adjacent to a WHS. That land does not need to be found in one gigantic NSIP; nor – in our view – should it be.

5 BMV AGRICULTURAL LAND

5.1 Although BWSF is a nationally significant project, BMV is a nationally significant resource. It is in the country's interest to protect it. (See NPPF 174 (b) and the OHA Local Plans.) Despite this, the Applicant is promoting a scheme largely on agricultural land, nearly half of which is BMV.

5.2 Apparently, the detailed land classification surveys were done after the BWSF site was selected. They showed the full extent of BMV, which Government policy identifies for its protection. This seemed to come as a surprise to the Applicant and its consultants (APP-054:17.6 + APP-108,109,110). The logical, professional approach would then have been to re-think the site boundaries to preserve BMV. However, the Applicant simply set about justifying why this land would have to be sacrificed for their scheme.

5.3 No serious attempt was made to explain how such BMV land would be restored to its current quality during decommissioning, after the highly disruptive installation and removal of posts supporting many hundreds of thousands of panels. Considering this lack of evidence, and even if decommissioning were to take place, there can be no guarantee that land can be restored to BMV quality. Even if the land is cleared and returned to agriculture, it must be assumed that its BMV quality is permanently lost (REP2-061).

6 GREEN BELT (GB)

6.1 Green Belt land is another national resource, defined by national policy and identified locally. As we have evidenced, no other NSIP SF has been proposed on GB (REP5-057). The Applicant has made no attempt to challenge the importance of this part of OGB, which protects the rural character of this area around Oxford. Neither has it attempted to avoid using it, nor to minimise the area used in the Application Site (APP-225; 3.4/appendix 8). As with BMV, it has simply tried to make the case as to why it should be sacrificed. In our view its case for "*very special circumstances"* (VSC) in respect of using OGB was

unconvincing. Mr Le Cointe, on behalf of the Applicant, appeared grateful for the ExA's coaching on this matter during ISH1 (Transcript part 2: 00.51 and following). The OHA seemed to make a more convincing argument, perhaps because they were being independently objective about an area they know intimately.

6.2 We feel able to add to this technical debate with three general comments:

6.2.1 Whatever its merits, the Applicant's GB argument fails if decommissioning cannot be guaranteed and the scheme then needs to be considered permanent, rather than "reversible".

6.2.2 Particularly in the vicinity of Begbroke and Yarnton, OGB performs an important function in protecting the gap between Begbroke/Yarnton and Bladon/Woodstock along the A44 corridor.

6.2.3 The OGB in this location cannot be considered inferior or degraded (RR-0092: Section 5).

6.3 We believe the ExA should consider it likely that whoever owns this land at the time BWSF is due to be decommissioned will attempt to get permission for further development. The obvious approach by a developer would be to extend the life of BWSF, perhaps with up-to-date solar technology or another form of electricity generation. This is specifically supported in paragraph 168(c) of NPPF (December 2024), and by the definition of "*grey belt*" as "*previously developed land*" at NPPF 2024 Annex 2. The Applicant's argument that the site would not be "*grey belt*" after decommissioning, because the temporary nature of BWSF would effectively mean the site had not been developed, lacks credibility. (For example, REP2-027, p49: response to REP1-147 from Harry St John.) If the SoS is minded to accept that argument, the function of Green Belt as a constraint to NSIP SF would effectively be removed. It would probably also lead to applications for other forms of development based upon their being considered "*temporary non-development"*. For other than SFs, the financial payback period for most private sector developments is far less than 40 years.

6.4 BYG is familiar with the numerous debates over the use of OGB. We understand the argument that Green Belt has occasionally to be used to locate essential development which cannot go elsewhere. However, there is clearly no need to use OGB for BWSF. There is plenty of agricultural land not designated as GB in Oxfordshire, the South East and the country as a whole (where only 12.5% of land is so designated - REP3-083: 3.5). No credible evidence was given by the Applicant about why non-GB land could not be used, including in its responses to the specific questions on this matter in the First and Second Written Questions from ExA (particularly Q2.3.1).

7 BLENHEIM PALACE WORLD HERITAGE SITE (WHS)

7.1 The WHS designation represents international recognition defined under the 1972 World Heritage Convention to which the UK became a "*State Party*" in 1984. It is not a planning designation, but as NPPF indicates (paras 213, 219, 221), it has to be recognised in the planning process in order that the UK meets its international obligations under the Convention. Blenheim was listed in 1987. The UK now has only 35 WHS, after Liverpool Maritime Mercantile City was delisted in 2021 due to inappropriate development being approved by the then Secretary of State for Housing Communities and Local Government.

7.2 The debate over the effect of the scheme on the setting of the Blenheim WHS has been complex. The OHA, the Oxfordshire Gardens Trust, World Heritage UK, CPRE and both ICOMOS organisations have expressed significant concerns about the harms posed by BWSF. Surprisingly, Historic England (HE) has taken a less critical approach but at the same time lodged a strong objection to the application made by BE for 500 houses on Perdiswell Farm, which is also adjacent to the WHS (REP6-069/072). In REP6-092:2.2 it reflected the difference between HE`s professional judgement and that reached by ICOMOS International, which has been far more critical of BWSF. It also indicates that a further ICOMOS report is to be produced, presumably with HE`s knowledge and before the close of the Examination, for the State Party which is the UK Government. At the time of finalising this Closing Statement we had not seen this additional ICOMOS report. However, BYG does have direct contact with ICOMOS International. We understand from an exchange of emails on 29 October 2025 with Gaia Jungeblodt, Director of the International Secretariat, that "*no weakening of the ICOMOS position is envisaged".* ICOMOS has shown laudable openness to local residents about its position. For their part, and rather than leaving the debate unhelpfully open ended in the way it did, HE could have asked for, received, and passed to the Examination a similarly simple conclusion about the ICOMOS view.

7.3 The extensive evidence and varying range of opinions on this matter of setting suggest the following reflections:

7.3.1 Even the most experienced experts cannot claim to predict definitively the impact of development on such important, but complex, historic assets.

7.3.2 WHS is not a planning designation, although it is a relevant consideration when that status is being threatened by development proposals. It reflects international obligations accepted by the UK Government in 1984.

7.3.3 In this context the views of ICOMOS (REP4-052/053) and UNESCO (REP6-072) are both relevant and important, and not to be disregarded as suggested by Pinsent Mason at ISH2.

7.3.4 Both these parties specifically urge consideration of the cumulative impacts of all developments proposed on the edge of the WHS before any decisions are made (for example, the penultimate paragraph of ICOMOS Technical Review 2025: REP4-052/053). This cumulative assessment has yet to be done.

7.3.5 While this may be inconvenient for the Applicant, it should be recognised that BE is the landowner for all sites assessed in 2024 by ICOMOS, which body articulated serious concerns. Yet in June 2025 BE made a planning application for 500 houses on one of the sites that ICOMOS was concerned about.

7.3.6 It would appear that the Applicant has not operated the mitigation hierarchy in an appropriate way, which has prejudiced its approach to the harm caused to the WHS (REP6-130:7-11).

7.3.7 The overall weight of independent opinion from those with appropriate qualifications suggests BWSF *does* threaten an unacceptable level of harm to the setting of the WHS.

7.4 There should be no need for ExA or SoS to adjudicate on this matter. Virtually none of the farmland in the rest of the country, flat enough to accommodate a large SF, is anywhere near a WHS. In the South East or close to it, the Applicant's supposed target area, the only other WHS in open countryside is `Stonehenge, Avebury and Associated Sites` (REP6-073:2.6/2.7).

7.5 Against that background, it seems remarkable that PVDP, objectively and independently advised by experienced UK consultants and lawyers, should have selected a site adjacent to a WHS; then be prepared to "horse trade" fields of panels to see how close they could get to an historic asset, recognised by an international Convention, in order to maximise their financial return. The late "without prejudice offer" looks like trying to trade the horse without paying for it first. The Applicant's approach ignores the need for the SoS to recognise the Government's moral obligation, set within an international legal obligation.

7.6 BWSF is set in a location which absolutely cannot be said not to risk the integrity of the setting of the WHS. The circumstances strongly suggest a precautionary approach be taken not to permit this development. Surprisingly, HE has not recommended this. Not to do so permits serious risk to a site of Outstanding Universal Value which should be protected under the 1972 Convention "*for the benefit of all humanity*" (REP6-073: Annex 1).

8 BLENHEIM ESTATE (BE)

8.1 BE is the guardian of the WHS. The Duke of Marlborough (from whom the Examination has heard nothing), the Trustees (from whom the Examination has heard nothing) and Mr Hare and his management team are responsible for one of the most important historic sites in the world. The evidence presented to the Examination indicates that BE is willing to risk the setting of WHS by prioritising commercial return over the protection of this globally significant historic asset.

8.2 The letter of 9 May 2016 to WODC from BE (REP5-056) shows clearly that BE was then making the case that the OGB effectively acted as a buffer to the WHS. BE argued that consequently a buffer, separately defined in other planning

policies, was not needed. Yet BE is now supporting a scheme occupying part of the OGB which acts as the buffer it then thought was necessary. BE must now be finding its own long term WHS Management Plan (REP1-036/037), produced less than a decade ago under Mr Hare's predecessor, unhelpfully restrictive in this respect.

8.3 Proper due diligence by BE before partnering with PVDP would have revealed what we have put in evidence about this Company, its ownership, track record and funding. BE should have recognised the potential problems with such a relationship and looked instead for an established, credible energy company with which to partner. Perhaps they did look, finding that no credible company wanted to be involved with a scheme which caused such significant impacts. Having partnered with PVDP, BE has notably not offered any further support for it, its previous activities, or for its financial credibility (e.g. REP1-098).

8.4 As with the Applicant, BE seems prepared to work on the assumption that SoS will look through this important issue and not worry about which organisation is signing on the other side of the DCO. However, in corporate terms, alarm bells are ringing about the capability and reliability of PVDP and the offshore group of companies of which it forms part.

8.5 BE's pursuit of commercial return over the sure protection of the WHS`s setting may be evidenced by its latest application to Cherwell DC (CDC) for 500 houses on the edge of the WHS (CDC: APP25/01510/OUT). This application was made during this Examination in June 2025, in the face of ICOMOS's expressed and detailed concern about the effect of housing development around Woodstock. ICOMOS specifically included this site in its February 2024 Technical Review (RR-1102, annex). HE has objected to this application in similar terms to the latest ICOMOS International Technical Review in relation to BWSF (REP4-052/053). It has requested extensive additional evaluation to be done in respect of the setting of the WHS, because the analysis provided by Blenheim with the Application is deemed to be inadequate. HE's conclusions regarding this matter have been supported at the highest level by UNESCO. This application by BE underlines its commercial motivation, rather than a thoughtful, careful guardianship of a globally important asset (REP6-072).

8.6 Also relevant to gaining an understanding of BE's approach to this Examination are the "smoke and mirrors" it has employed to suggest that £500,000 of the income it would receive from PVDP (were the scheme to go ahead) would be used in the maintenance of the WHS. As evidenced by BYG in REP2-059 paras 5 & 6, this is an argument already used in respect of its major planning applications for houses on the edge of the WHS. However, such assertions are never formalised into agreements attached to permissions which could then be enforced. In this case we have demonstrated (RR-0092 + REP6-074) that there is no guarantee any additional funds will flow to the WHS. This supposed benefit has not been evidenced by BE and should be ignored.

9 APPLICANT'S TRACK RECORD IN SOLAR FARMS

9.1 BYG has given detailed, carefully researched evidence to this examination about PVDP and its track record in developing solar farms. Some of this has been denied by the Applicant, but none effectively countered. We believe our evidence (first given in RR-0092, and supplemented in REP2-060, REP3-085, REP4-042 and REP-058) represents an accurate description of the Applicant. According to German corporate definitions as well as common sense, PVDP is a small company with few employees which does not file audited accounts or have any material declared assets. It has produced no evidence of being involved in the development of solar farms nor of being the beneficiary of successful investment in SF in Japan or elsewhere.

9.2 Our detailed investigation of PVDPs activities in Japan has disproved the Applicant's assertion that it has previously developed large scale SF projects (RR-0092: section 3). It has demonstrated that PVDP may have been involved at best in land assembly; perhaps also in permitting; and perhaps to a degree in funding of the early stages of those projects. According to reports from the actual developers, its supposed flagship project at Ukujima has proved extremely difficult to develop and apparently remains incomplete. PVDP appears to have withdrawn from it in 2018. The Applicant claimed at the initial planning meeting with PINS on 19 October 2022 that it "*had 1000MW of energy generation connected to date".* There was then, and is now, no evidence to support that claim.

9.3 In the section above which dealt with "Site Selection and Scale" we drew attention to the fact that the Applicant has not given any detail on how BWSF would be constructed or decommissioned. That the Applicant does not have any material experience of developing solar farms (or any other type of infrastructure) suggests it would be extremely risky to give it the right to construct the largest SF in the UK, in what even the Applicant appears to accept is a sensitive area.

10 DECOMMISSIONING

10.1 From the start, our evidence has also focussed attention on the decommissioning of BWSF (RR-0092, section 4). If the Applicant cannot demonstrate that decommissioning is guaranteed to take place, this would undermine the description of the scheme as being temporary and reversible (the analysis as presented in the Application documents and during the Examination). Although not lawyers, we also query whether the DCO could be made in such circumstances.

10.2 Despite this, the Applicant's Outline Decommissioning Plan contains little detail about how the scheme would be decommissioned (APP-236). The Applicant believes it is sufficient to say a) that a decommissioning plan will be agreed with the local authorities; and b) that there will be a legal obligation to comply with that plan (APP-236; ISH1 transcript part 3, from 01:05). This seems to be another example of the Applicant anticipating that the SoS will be prepared to look through a serious flaw in what is being proposed. We have detailed the operational and financial aspects of that flaw (RR-0092, section 4). As already indicated, we believe an amendment to the draft DCO to require the Applicant to provide a financial guarantee for the full cost of the decommissioning would resolve this problem. We are pleased to see the ExA is recommending such a requirement (PD-015; PC002).

10.3 The Applicant has previously resisted this and continues to do so at D6 (REP6-051). However, it has provided no realistic answer to the question of what OHA or the Government would do if no company was available, able and willing to fund the decommissioning. Its suggestion of taking legal action against a company that would not be available, able or willing to fund the work would clearly fail (ISH 1 transcript part 3 from 01:05). Its suggestion that the value of the panels being decommissioned would be sufficient to fund the decommissioning has no foundation in evidence and is absurd (REP5-060). The Applicant has produced no evidence on the actual decommissioning costs, even though it has claimed in the Funding Statement to know that the total project would cost £820m. This figure should, of course, include decommissioning. We doubt any serious estimates have been done to arrive at it, and that consequently no breakdown of the costs exists.

10.4 The Applicant claims to have been in discussion with financial advisers, such as EY, about financing the project (APP-22 Funding Statement para 6.1; REP2-025, responses to WQ Q1.5.21-25; REP4-037, response to Q2.5.2). If such discussions have taken place at any level of detail it is remarkable that there has been no evaluation of the decommissioning costs. If they were available, such costings could have been provided to this Examination. There appears to be no credible evidence that the Applicant has, or is close to getting, third party funding support for decommissioning, or indeed for any part of its scheme. This appears to be another example of the Applicant hoping the SoS is prepared to ignore a significant gap in its case because of the government`s desire to permit as much solar capacity as possible, whatever the impact or risk.

10.5 In REP3-085, BYG dealt specifically with the issue of precedent in relation to a decommissioning fund and the flaws in the Applicant's argument about this. The Applicant has repeated this precedent argument in REP6-051, arguing again that the guarantee is not needed**.** We believe the Applicant's lack of financial credibility alone provides ample justification to require this type of guarantee (REP3-085). Such an arrangement may not have been necessary for other DCO SF schemes because the relevant applicants had sufficient credibility to attract

Government trust. Our view is that it would be irresponsible to risk the future of this land and/or taxpayers' money by expecting this Applicant to exist in 40 years, let alone spend money which it may not have or could avoid spending through its opaque, offshore, corporate network. That conclusion would also apply to any other organisation the Applicant might say would take on the funding. No such party has yet been identified to this Examination, let alone one committed to the scheme. The more the Applicant argues against the decommissioning guarantee, the more uncertain is its ability to fund the scheme. In the commercial world, financial guarantees are regularly required from unknown, unproven companies to provide or to create a credible risk profile. PVDP's risk profile is worryingly high.

11 SCHEME BENEFITS

11.1 If it was ever to operate, BWSF would produce a benefit in the form of electricity provided to the national grid. The Applicant claimed in its consultation documents (APP-026; Nov 2022 Stakeholder Briefing Pack, p5) that it would provide electricity to Oxfordshire, helping it "*deliver net zero by removing 14.4m tonnes of carbon"* and meet its "*Energy Strategy*" target of reducing carbon emissions by 50% by 2030. This is not the case. As the Applicant obviously knows, BWSF will not provide electricity directly to the local area but to the grid, which supplies the nation. All we learn from this consultation document is that PVDP and its advisors were happy from the outset to play PR games with reality to gain support for BWSF.

11.2 Given the importance of renewable energy to the Government's Net Zero ambitions, any uncertainty about delivery and potential delay is relevant to the potential benefit of this scheme. The evidence about the Applicant given to this Examination suggests that BWSF scores poorly in this regard, due to its fundamental financial and operational weaknesses.

11.3 In addition, the draft DCO (PART 5: para 20(1)) gives the Applicant five years to start the compulsory acquisition process; "*giving notice to treat*". Adding this to the two-year construction phase claimed by the Applicant (with little evidence to justify), suggests it might be well into the 2030's before any electricity is produced from this site. We have therefore suggested that the five-year period be reduced to two years (REP3-084). When combined with a guarantee for the full decommissioning costs, this would create a significant incentive for the Applicant to resolve its funding problems quickly - or admit that it cannot. This would also help reduce the otherwise extended period of blight for property owners and occupiers across the Application Site.

11.4 However, the ExA indicates in PD-015 that it does not favour such a change to the DCO. We suggest alternatively that consideration is given to including deliverable milestones in the DCO. These would enable the OHA or SoS to review whether reasonable progress is being made. Perhaps after two years the money

required for the compulsory purchase should be irretrievably made available. After a further three years, the availability of a significant proportion of the total funding required for the construction of the scheme would have to be independently verified. This approach would help ensure there are appropriate funds available to progress the development. There would otherwise be a wait of five years to find out whether PVDP can find a credible investor willing to fund what it clearly cannot do itself (REP6-073:1.2,1.3).

12 THE PLANNING BALANCE

12.1 In the unlikely event of the scheme benefits being delivered quickly and in full, the harmful impact of BWSF as extensively described by BYG, OHA and many other IPs will outweigh those benefits.

12.2 The intention of the NSIP categorisation and DCO process is to ensure local impacts do not impede delivery of infrastructure the country needs. However, BWSF does not just cause local impacts, although there are many as described extensively by OHA and other IPs. The project risks the setting of an *internationally* important WHS and removes a significant area of *nationally* important BMV agricultural land, together with a sizeable area of the OGB, so designated under national policy. Subject to DCO, *no other SF NSIP has violated such a combination of significant policies*. None has been proposed on Green Belt (REP5-057). None has threatened a WHS. (There is only one other WHS in open countryside in or near the South East, Stonehenge (REP6-073:2.6/2.7).)

12.3 Clearly, those benefits could be delivered on other land where the impact would be less. They do not, of course, need to be delivered in one scheme. As proposed by the Applicant, BWSF can be regarded as three separate schemes, linked by cables: North, Central and South. Three (or more) different areas of land outside the OGB - or any other GB – and away from the WHS could have been chosen and linked together to form an NSIP, even a large one.

12.4 BYG's *raison d'etre*, and our main concern over the years, has been to protect that part of OGB which lies in and around our locality. As we described in REP3-083, there is a simple logical sequence that resolves the key issues in this case.

12.5 There is no need to take OGB land for BWSF. SFs could be located in an almost infinite number of configurations on agricultural land across the country, region and county. There are extensive tracts of agricultural land which could be used for SFs outside GB, as evidenced by the schemes approved and being promoted across the country (REP-057). Solar panels produce electricity just as effectively on land outside GB as within it. No more or better electricity is produced on GB than non-GB land. There is no Net Zero benefit in using GB for SF compared with using non-GB land.

12.6 However, if BWSF panels were to be removed from the OGB between Begbroke and Bladon, other significant impacts from the scheme would be removed or mitigated:

- the setting of the WHS would be protected from harm;

- extensive areas of BMV would be preserved for productive use;

- the Begbroke/Woodstock gap along the A44 would be retained, along with its rural character;

- the safety of London Oxford Airport flight paths would be secured;

- other sites of ecological and historic significance would not be compromised;

- an area of potential importance for minerals would be preserved;

- not least, the residential settings of the many people who live in this area would be maintained.

12.7 We are not thereby suggesting that other areas of OGB should be retained within the Application Site. As a matter of principle, we would wish them to be removed but we are unable to comment specifically on those. ExA and SoS have a large volume of detail to navigate before reaching a decision. There is no formula for aggregating the impacts of the scheme evaluated during this Examination, then setting them against the anticipated benefit of producing electricity. Ultimately, this will be a matter of judgement for ExA and SoS.

12.8 Our own objective way of looking at this issue is to consider what combination of impacts could possibly be worse than the accumulation of negative impacts caused by BWSF? What site, which even the most optimistic developer might suggest, could possibly create greater impacts? It would be an interesting discussion, in which the idea of surrounding Stonehenge with panels might quite plausibly feature. Such a debate could surely only end in the conclusion that the aggregated impacts of BWSF would be at least as great as any other scheme that is reasonably likely to be proposed - and greater than virtually all.

12.9 Despite the current Government's enthusiasm for renewable energy it has not removed *all* planning restrictions to its development. It must therefore still believe that some locations and schemes will not be acceptable. For larger proposals, the DCO process provides the way to identify these. In our view, BWSF is undoubtedly one of them.

13 FUNDING

13.1 Where a proposed Order would authorise the Compulsory Acquisition of land, or an interest in or right over land, then Regulation 5(2)(h), of the Infrastructure Planning (Applications: Prescribed Forms and Procedure)

Regulations 2009, requires Applicants to submit information regarding funding. For avoidance of doubt, it is clear this means the funding of the whole scheme, not just the Compulsory Acquisition element as the Applicant may be implying in its Funding Statement (APP-022: 3.1/3.2). The Planning Act 2008 Guidance, related to procedures for the Compulsory Acquisition of land, explains that any application for a consent order authorising Compulsory Acquisition must be accompanied by a statement explaining how it will be funded. The timing of the availability of such funding is also likely to be a relevant consideration. (BWSF Section 51 advice to Andrew Rein of C-POW, 2/5/24; (BYG D7 Representation ref: SFC6955FA); (REP6-105).)

13.2 APP-022 is the key document for evaluating whether the Applicant has met its obligations to explain how it will fund the scheme. Our detailed evidence on this matter, starting with RR-0092 (section 2), demonstrates that it has fallen far short of meeting that fundamentally important test. APP-022 5.1 indicates that the total cost of BWSF is £820m. No evidence has been provided to explain or justify that figure. It is not even clear whether it includes decommissioning costs following the Applicant`s suggestion that decommissioning could be paid for by selling the panels, and/or the metal within them, which are being removed (REP5-060). Whatever the exact total figure turns out to be, it is clearly very significant. With everything added in, and taking account of inflation, by the time construction starts it could approach or exceed £1 billion. It is of fundamental importance that SoS has complete confidence in the other signatory to the DCO being able to meet this commitment and provide that money. The evidence to the Examination demonstrates PVDP does not have the necessary funds. And it has given no convincing, verifiable evidence of how it might get what is needed.

13.3 The last accounts filed by PVDP (with the German authorities) were for 2022 (APP-022). They were unaudited and drawn up on the basis that "*The Company is a small corporation within the meaning of Section 267(1) of (the German) Commercial Code)".* It had six employees and revenue of only €4.5m.

13.4 The Applicant indicated in its Funding Statement (APP-022) that Cransseta Investments Ltd. (owned by Yulia Yezhen, a Russian national, reportedly based in Cyprus) owns PVDP and is therefore responsible for its finances. The Applicant has produced no financial information for Cransseta, despite claiming its accounts are publicly available (REP5-005: pp34-37). Our research demonstrates that the latest accounts filed by Cransseta were for 2014 (REP6-071). When submitting these accounts to the Cypriot authorities in 2022 and again - in modified form - in 2024, the auditors suggested "*that a material uncertainty exists that may cast significant doubt on the Company's ability to continue as a going concern*" (p3 of the accounts). Nothing has subsequently been filed to remove that doubt.

13.5 The Applicant claims it has held funding discussions with EY and others. These have not been evidenced. [(APP-022:6.1); (REP2-025, responses to WQ 1.5.21-25); (REP4-037).] Any potential funder would want to see detailed costs

for the scheme, and to understand the relevant experience of those asking for the money. The evidence we have presented, starting with RR-0092, shows that - despite its claims - the Applicant has no material experience of the development phase of solar farms of any size, let alone what would be the largest scheme in the UK. Put bluntly, the Applicant seems to think it can get away with that sort of exaggeration in the DCO process. It will certainty not be able to do so when trying to justify funding requests to banks and/or infrastructure investors.

13.6 As identified in our RR-0092 and subsequent representations, no author has been identified for the Applicant's Funding Statement (APP-022) or for any of the subsequent representations relating to its finances or the funding of BWSF (APP-124). No verification of this material has been provided in the form of reports from financial advisors. The only person engaged in the Examination who claims to have any involvement with PVDP, other than as a paid advisor, is Mark Owen-Lloyd. He styles himself as a director of BWSF (REP3-085, para 1.13), although no such company exists. He has no authority to speak about any financial matters related to PVDP.

13.7 During ISH1, Pinsent Mason`s solicitor acting for the Applicant replied to a question from the ExA about decommissioning that he could not provide any assurance that there would be money available at the end of the life of the scheme to restore the land back to its original condition (ISH1 Transcript part 3:01:05:57:02). Given the ExA showed interest in this matter so early in the Examination, it is telling that the Applicant has subsequently offered no witness to provide that assurance, or indeed any assurance about the funding of any part of the scheme.

13.8 If PVDP had been confident about proving its financial resources to the Examination in order to fulfil its legal obligations, it should have provided recent, attributable, audited and verified evidence about its track record and finances. Instead, we have SolarFive's unaudited 2024 accounts (showing negative net assets and two employees) being signed off on 22 August 2025, but the Applicant choosing not to submit them at Deadline 4 - which closed that day - or even shortly afterwards. Delaying submission until Deadline 5 would, of course, have reduced the time available for others to examine them.

13.9 All indications are that evidence proving the adequacy of the Applicant's finances to develop BWSF does not exist. It appears that PVDP and its advisers are simply hoping that the SoS, in a desire to approve as much solar capacity as possible, will choose to ignore this issue.

13.10 The result of the Applicant's unwillingness to provide any serious, believable evidence on this matter, is that ExA knows little more about the funding of BWSF at the end of this Examination than it did at the Preliminary Meeting. There is no way of knowing whether, or when, funding might become available or who will provide it. That the Yulia Lezhen corporate network is

entirely offshore, except for the SolarFive shell company, should raise significant concerns for the SoS and other parts of the UK Government on both commercial and security grounds. The `*National Security and Investment Act 2021*` identifies the funding of energy projects such as BWSF as being a particular security risk. The Government will doubtless be mindful of that when considering this scheme.

13.11 Our experience suggests that reputable banks, operating strict `*know your customer*` protocols and `*money laundering*` checks under the *Money Laundering, Terrorist Financing and Transfer of Funds Regulation 2017* (updated most recently 2022) would be highly unlikely to consider PVDP or Cransetta a credit risk. The Government may not need to comply with these regulations, but it will no doubt judge that these issues require careful consideration. The legal actions recently faced by Lezhen in respect of financial matters in courts in both Moscow and New York would also be of serious concern to banks and other funders (RR-0092: section 2).

13.12 This apparently complex funding issue can be put in an everyday context. Anyone in England who wants to purchase a house must provide personal and financial information to their lawyer to comply with the 2017 `*Money Laundering Regulations*` referred to in paragraph 13.11. Under these regulations, if the potential buyer cannot demonstrate a legitimate `*source of funds*` to make the purchase, the lawyer is legally obliged to refuse to proceed with the transaction.

13.13 The Applicant has provided to this Examination less information about its financial position than a house purchaser would need to provide to their lawyer to comply with the 2017 Regulations, or to a bank when trying to secure a mortgage. Common sense alone suggests this is an inappropriate basis for the Government to sign a DCO with this Applicant, or to allow it to compulsorily acquire other parties' property. In any event, it does not appear to have met its legal obligations in this matter described in para 13.1. We believe there are obligations on the SoS to consult other parties in Government before deciding to sign a DCO with this Applicant or any related business.

13.14 The SoS who will receive the ExA's report will be concerned about energy security and should recognise this project as a potential risk in that respect too.

14 SETTING A PRECEDENT

14.1 A fundamental consequence of the SoS granting this DCO would be to set a precedent for other developers. These would be likely to include parties such as other unfunded, opaque, offshore companies with few assets like PVDP. Locations in the UK that such parties might normally have ruled out, would appear to have become acceptable, even for very large-scale SF. Perhaps a Stonehenge scheme would be brought forward, justified on the basis "*it would only be there for 40 years and the stones will be standing for thousands more*".

14.2 Approving BWSF would probably devalue the NSIP/DCO process to such an extent that it would lose credibility with local communities, with their elected representatives and with officers in their Authorities. They would come to believe they are wasting the considerable time and effort required to keep up with the demanding DCO timetable. Whatever representations they made about a proposal, and whatever impacts that scheme was likely to have, it would seemingly get approved.

14.3 The Examination heard this concern voiced by a member of the public towards the end of the Preliminary Meeting (PM transcript part 2: 00:30:19 and following). The speaker pointed out that no DCO SF schemes had been rejected by the Government, whatever had been recommended by Inspectors. The ExA provided the appropriate response about the independent way it would conduct the examination (00:31:32:29). It has gone on to operate in the way it said it would. PINS has a deserved reputation for always doing just that.

14.4 However, it is not PINS' integrity that is now at stake. The Government seems to be in danger of undermining the credibility of its own planning system. An unfortunate precedent was created shortly before the BWSF Preliminary Meeting. When the Secretary of State for Transport approved the expansion of Luton Airport on 3 April 2025, despite the DCO ExA recommending refusal, the Prime Minister thought it appropriate to post on social media (X: 2.51pm 3 April 2025 @Keir_Starmer): "*They keep trying to block us but we keep building.*" The blockers in that case were, of course, the Inspectors who comprised the Gatwick ExA, led by the highly experienced Kevin Gleeson.

14.5 BYG is not a "blocker" and is not opposed to renewable energy development or SF. We simply believe this is an unacceptable scheme, promoted by an unsuitable Applicant. It should not be permitted. If allowed, it would lead to a "free for all" with other unsuitable developers. Without sufficient funds, and promoting other unacceptable schemes, they would assume, probably correctly, that these would also be permitted. Refusing BWSF would demonstrate the planning process does work, and that DCOs can be relied upon to stop those SF schemes which would cause excessive harm.

CONCLUSION

The Inspectors who comprise this ExA have conducted this Examination in an open and fair way. We urge them to recommend refusal in the strongest possible terms, so that the SoS realises BWSF is a scheme that must be refused - and does so.

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