Deadline 7 - Comments on submissions received at D6, and Closing Statements from IPs

Introduction

These final comments and submissions are set out to address the following:

1. Applicant's Responses to Rule 17 letter 14th October '25 – Questions 2, 10, 11 and 16
2. RVAA and Rule 17 letter 23rd October 2025 – Questions 4 and 5;
3. Applicant's Without Prejudice offer;
4. More examples of the Applicant's dismissive and intransigent attitude;
5. Concluding comments

1. Applicant's Responses to the Rule 17 letter 14/10/25 (REP6-052)

Question 2 - Education Facility removal and Order Limits

The Applicant's approach seems to be that its 840MW goal and its BNG claim are both legal requirements. They are not. They are their choices.

As has been previously established 840MW is the maximum that the proposed NG substation will accept. Whatever the Applicant's financial goal may be, there is no legal requirement for this amount. Similarly their BNG claim is intended to impress. The legal requirement is to honour the commitment not to set a commitment higher than can reasonably be achieved within a smaller Order limit.

If the Applicant is seeking credit, the areas not required for installation could with advantage be left for agricultural use as suggested by the ExA. There can be no assurance that the Applicant or its successors over 40 years will create more BNG by having these extra areas included than if they remain as currently for agricultural use. A local farmer makes a powerful case in his submission at REP6-094 for the biodiversity benefits of farmers like him continuing to work the land.

It seems to me to be a specious argument by the Applicant to want every last acre just so that it can claim a slightly greater BNG in order to try to bolster its DCO application. Further the Applicant appears to be admitting in its answer to Question 2 in the Rule 17 letter that it wants extra panel area by the 'back door' where it says:

there may be some areas of the Project site that are required for the generation of solar energy instead of as 'natural habitat'. Therefore, it is important for the Applicant to have a degree of flexibility with respect to where habitat creation associated with the delivery of BNG is able to be undertaken to ensure that the solar generation level and BNG commitments are both met.

It appears that the applicant may already have identified one place for extra generation (REP6 – 064, Figs.1.19 &20) which I will come back to below in connection with Rule 17 letter 23rd October, question 4 in relation to Fig.1.19.

I do not believe that the Applicant has got close to providing evidence of a 'compelling case' for including either field 2.116 or the northern section of field 2.115 in the Order Limit.

Question 10 - Landscape

In an attempt to answer this question the Applicant falls back of the argument that its assessment can't be wrong because all such judgements, including its own, are subjective. But that does not answer the ExA's question.

Included in the Applicant's evasive answer is an interesting comment by the Applicant in these terms:

The West Oxfordshire and the South Oxfordshire and the Vale of the White Horse renewable energy studies both find that there is some capacity for solar farms within their respective districts (REP6-052).

However it has not been suggested that there is no such capacity. The issue put at its simplest is that the proposed project is far and away too big for the landscape it has selected. Hence the carefully argued submissions by the OHA for a much reduced area.

Question 11 – mitigation hierarchy

The Applicant has attempted to answer this question by reference to a few minor adjustments at 'macro' and 'micro' levels. Even cumulatively these amount to very modest true mitigation hierarchy changes.

This issue was summed up by the OHA in their joint LIR (REP1-072 at paragraphs 7.3.114/115) in these terms:

7.3.114 Considering the scale of the development, the OHAs would like to see a more ambitious approach to mitigation that is informed by LVIA work and which goes beyond planting linear features that screen the development from particular viewpoints, but which delivers real benefits for nature and people, and enhances the local landscape character.
7.3.115 The OHAs consider it important that, in line with the mitigation hierarchy, adverse effects on landscape character and views are avoided in the first instance, e.g. by avoiding sensitive slopes, before considering mitigation.

However, despite the terms of the ExA's question 11 as well as what the OHA and other IPs have said repeatedly, the Applicant has still provided very little of substance to support its assertion that it has taken 'mitigation hierarchy' seriously. Change Request 2 is no answer to this point much of it being limited to the consequences of neither addressing much earlier airport safety issues nor views from the Palace nor the effects on properties close to the proposed Order Limit.

It is also quite clear from my experience over three years of grappling with this solar farm proposal that the Applicant never has had any intention either of having genuine consultation or genuine consideration of the views of others.

Question 16 – Climate change resilience

The focus of the Applicant's response is on the panel supporting structure but very little about the panels themselves save that they will be set at a lower tilt angle and most will be a bit lower. The Applicant says that: *an analysis of these cases was undertaken to identify structural vulnerabilities and to incorporate targeted improvements into our design.* So the emphasis is only on the supporting structure. There is no technical report, but just the Applicants assertions.

It is also proposed that: *The project will also include a storm response protocol, meaning a clear operational procedure for monitoring weather conditions, securing equipment ahead of severe storms, and carrying out inspections before restarting the site*. There is no explanation as to how it is proposed to 'secure equipment ahead of severe storms'. A few extra guy ropes as for a camp site is hardly the answer.

There is no indication that any consideration has been given to the effect of squeezing the panels closer together as now proposed (REP6-052). If there is less room between rows of panels then might there will be less space for wind dispersal and therefore greater wind forces on the panels? There is also no indication of consideration of the potential greater vulnerability of panels to be set at acute angles on the sides of relatively steep slopes.

There is much more work to be done on this issue including assurance by independent experts that the overall design is fit for purpose over 40 years in increasingly extreme weather conditions.

2. RVAA (REP6-064) and Rule 17 letter dated 23rd October

Rule 17 Question 4

The ExA has been quick to raise a number of important issues arising from the late receipt of the Applicant's RVAA. At question 4, bullets 10 and 11, the ExA refers to Fig.1.19 and points out that no properties in Church Hanborough have been assessed in Tables 2 or 4.

My wife and I have lived at [redacted] the southern-most property in Church Hanborough for over 25 years. ([redacted]. I don't think that I have heard of New Barn Cottage before.) The Applicant's proposals put our garden wall adjacent to the northern order limit of field 2.115 and, according to Fig. 1.19, our house slightly over 100m from the nearest panels – less than this from the perimeter fencing.

The photographs in RVAA part 2, which include our property (photograph no. 2.25 at page 17) appears to have been taken about 50m away. The photograph bears the following Comments: *"Mature trees filter out views to the south from rear elevation".* These

'Comments' are misleading. Of course at a distance the view towards our house appears 'filtered' by trees in summer but this ignores the fact that views from the property are enjoyed at head-height where only the few trunks and not the canopies are in the sight-line. If the photograph had been taken from the property looking outwards it would have shown that the filtering is minor and the views provide wide open vistas.

At paragraph 1.3.7 of the RVAA Part 1 the Applicant sets out Step 2 of its 4 steps. It reads:

In considering baseline visual amenity, the following were examined: The nature and extent of the available existing views (including main/principal and secondary/ peripheral views) ***from*** (my emphasis) *the property and its garden/ domestic curtilage, including the proximity and relationship of the property to surrounding landform, landcover and visual foci;*

The photograph taken towards, rather than **from** our property, does not comply with Step 2 and therefore the whole process is flawed. The Applicant has not been to our property, neither has any such request been made. It has failed to carry out step 2 altogether. This flawed process appears to apply to virtually all other properties as well so far as I know. The Applicants subsequent assessments (steps 3 and 4) are therefore without evidence or merit and are otiose.

At paragraph 1.4 of the RVAA the subheading is 'RVAA Findings -steps 1 to 3' and at paragraph1.4.5 there is reference to Church Hanborough in these terms:

The following settlements, or parts of them, fall within the ZTV…….Church Hanborough – 110m to the northwest of the centre section of the Site; Due to the distance and intervening vegetation, it is unlikely there would be visibility of the Project.

The Applicant is purporting to make 'findings' without having first looked **from** (my emphasis) the properties themselves as required by Step 2. I know from living here for the last 25 years or so there are wide open views from our property southwards as far as Wytham Woods and eastwards to the Burleigh/Purwell farms ridge and beyond. Contrary to the Applicant's assertion, if the project goes ahead as the Applicant proposes there will be much 'visibility of the project'.

Finally under this heading regarding Fig.1.19 (REP6-064) referred to by the ExA, I wish to draw attention to what appears to be a long length of additional solar panelling. Judging by the solid heavier blue colouring along the northern boundary of Field 2.116 shown on Fig.1.19 and continuing down to the north east corner and then along the eastern boundary shown in Fig. 1.20 there is a long line of solar panelling. This appears to be confirmed by the broken purple buffer lines on both Figures. There also appears to be further confirmation by the same heavier blue colouring on the corresponding Figures 1.52 and 1.53 entitled 'Residential Properties with Potential Views of Substations'. If this is indeed a long length of solar panelling it should certainly not be within the Conservation area (Field 2.116) which as I have argued elsewhere should not, together with the northern part of Field 2.115, be within the Order Limits anyway. There is no indication of panelling in or along any of the boundaries of Field 2.116 in the corresponding Illustrative Master Plan 2.2D at CR2-026.

Question 5

The ExA has proposed at this stage a Without Prejudice standard buffer of 250m from residential properties. Whilst this is clearly much better and fairer to everyone than the Applicant's buffer proposal – and is pretty close to what I proposed to the Applicant in relation to our own property by letter on 20th December 2022 (see appendix at REP3-106). Nevertheless it would only be necessary if the ExA is not persuaded of alternatives either to recommend outright refusal of consent or at least to recommend consent limited to a reduced area whether proposed as by the OHA or similar, and the SoS does not agree with one of those alternatives.

If there is to be a 250m buffer throughout on the terms proposed by the ExA I am unclear as how this might be reflected in the Order Limits. If the Order Limits reflect a 250m buffer zone throughout, but a relevant local authority later decides that 200m for instance would be 'acceptable' then the Applicant would have to rely on its lease agreement with the landowner rather than the compulsory acquisition provisions for the additional 50m.

3. **Applicant's Without Prejudice Offer** (REP6-052, paragraph 9, Part 3)

The Applicant's without prejudice offer is for reductions that would have only a very marginal beneficial effect on the overall impact whether considered individually or cumulatively. The offer goes no way to recognise what it calls the apparent weight given by the ExA to suggestions made by OHAs and other IPs with regard to landscape impact. Rather it emphasises the Applicant's continuing disregard for anyone else's views.

The two fields (2.118 and 2.120) which make up the bulk of the offer in the central area were photomontaged and consequently everyone could easily see how seriously impacted the views and affected PRoW would be. Perhaps the Applicant has decided that to continue to argue otherwise any longer would be fruitless. The pity is that proper montaging across the sites has never been provided by the Applicant despite numerous requests.

As I have been arguing since the early months of this proposed solar farm, if there had been a truly representative set of photomontages of all three sites then we as members of the public would have been able to see far more clearly the true extent of the impact on all of the undulating landscape. Two examples will hopefully suffice.

- The wide panorama looking eastwards across of the Evenlode Valley at Viewpoint 24 (which happens to be close to field 2.118) will be lost completely. If this had been photomontaged, the extent of the impact would have been clear for everyone to see and understand.
- The other example is connected to viewpoint 38. Walking along the PRoW near the top of the ridge from Purwell farm towards viewpoint 38 currently provides a panoramic view looking westwards across the Evenlode Valley. There is no viewpoint let alone a photomontage until the walker reaches viewpoint 38 so the true damaging impact from the PRoW of filling the much of the valley with panels, many PCSs, wire fencing and a project substation has not been revealed.

In this context it is important to remember that the selection in the DCO application of only 33 out of 55 viewpoints for photomontages was made by the Applicant alone.

The Applicant's three main reasons for its selection of the few small areas in its WP offer are stated to be:

- *A reduction of effects on landscape character – removing panels from the higher slopes in the central and southern areas.*
- *A reduction of effects on visual receptors at publicly accessible locations – removing panels from either side of the Evenlode when viewed for public rights of way on either side in the central section and from the high ground to the north of Hill End in the southern section.*
- *A reduction of effects on visual receptors at private properties – Weaveley in the northern area, Purwell Farm and properties at Barrow Court in the central area and Denmans Farm in the southern area.*

The Applicant also refers earlier to: *the more prominent valley sides.*

Very few panels included in the offer would be removed from either side of the Evenlode.

These reasons also suggest that the Applicant pretends to recognise that higher slopes are more visible and therefore panels on higher slopes cause greater adverse impact. But it has selected only two fields (2.118 and 2.120) plus a narrow strip on sloping land near Lower Road, and ignored for example the whole of the higher and steeper slopes up to the ridge to the east of the Evenlode Valley as well as the slopes visible from Lower Road and viewpoint 24 on the west side of the valley. And in any event, as I have referred to in previous submissions (REP1-155 and REP3-107) the Applicant stated at the start of this process that its aim had been to 'keep off high ground' (APP-034 at page 79). Clearly the Applicant is prepared to say one thing and then do, and continue to do the opposite.

Regarding the references to Purwell Farm both in the third reason above and in other places including in the 'Background' section of the RVAA, it sounds as if it has been selected for special treatment. At paragraph 1.2.11 of the RVAA (REP6- 064) under subheading 'Preliminary Appraisal of buffers' it reads:

During this process it was decided the increase the buffer distance around Purwell Farm, to remove panel of the slopes to the west of that property, and to introduce woodland planting and hedgerows, which combined, achieved the protection of the amenity of that property. The landscaping solution incorporated in this area was also designed to avoid or minimise views across the Evenlode valley in this general area.

Until recently, and for many years Purwell farmhouse was rented from a Blenheim Trust or Company by a farmer who farmed much of the land in this part of the Evenlode valley. He owned some of the fields and rented the rest. Purwell farmhouse is now undergoing extensive building works. I do not know what Blenheim's intentions are for the farmhouse's future but there should be no surprise that special buffer arrangements are being offered. The 'landscaping solution' as the Applicant calls it is to 'avoid or minimise views across the Evenlode valley' which it wants to fill with solar panels.

4. A few more examples of the Applicant's dismissive and intransigent attitude

Continuing inadequate attention both to the serious flood risks particularly to certain properties in Cassington and to the inevitable serious damage that would be caused to the field drainage systems over much of the sites.

Continuing refusal to acknowledge the significance of its own survey results clearly showing much BMV land (grades 2 and 3a in particular) to be covered in panels, and no genuine attempt to exclude this BMV land in its overall design.

Continuing the downgrading of the existing food production from the land at all three sites, and lack of recognition of the importance of food security.

Continuing attitude that decommissioning is something that will largely take care of itself rather than addressing the huge task in a responsible way backed up with a sufficient funding arrangement to ensure full compliance.

Continuing failure to produce a final cable route either side and under the Thames, or recognise sufficiently the unique value of this area.

Continuing failure to recognise fully the serious safety risks that would be imposed on London Oxford Airport, or even start to address them until very late in the process. The Glint and Glare issues have still only been addressed superficially.

Continuing to insist that PRoW need only to be 5m wide despite extensive evidence to the contrary including the ExA own experience during site visits.

Continuing reluctance to share information about the source of or ability to fund this huge project estimated by the Applicant at nearly £1bn, or to recognise the long term damaging consequences of an uncompleted project.

Continuing inability or reluctance to provide any reliable information about or evidence from the National Grid about its intention or ability to provide a suitable connection. Linked to this is the Applicant's intransigence regarding the provision of sufficient or reliable battery storage for this project to have any chance of viability.

Continuing refusal to acknowledge the true value of the heritage including Blenheim in its wider setting and the many Grades 1 and 2 properties and their settings. It was interesting to see in the Times last week an aerial photograph of Aranjuez Palace in Spain, quite similar in size and layout as Blenheim Palace under the heading 'Baroque Palace could be eclipsed by solar panels'. A recent report by the San Fernando Fine Art Academy has warned of a "severe and permanent consequence to the integrity and authenticity of the cultural landscape of Aranjuez, which earned Unesco world heritage status in 2001". The report also "argued that construction would disrupt the balance between the palace, gardens and farmland that defined Aranjuez's identity as a cultural landscape".

Continuing to downplay the magnitude of impact; in particular asserting only 'medium impact' despite dominant and uncharacteristic elements being imposed on 1,000's of acres

of rural undulating landscape which amounts to ‘major impact’ using the Applicant’s own methodology.

5. Concluding comments

Since the DCO application was submitted two years ago, and previously since the proposal was first announced, the vast majority of IPs including myself have provided cogent reasons why this project should not go ahead at all, or if it does then at least at a much reduced scale.

My overriding impression of the Applicant’s approach since the first yellow booklet came through our letterbox in November 2022 is that the Applicant has adopted a ‘steamroller approach’ and largely ignored anything in its path The more that the ExA has asked searching questions of the Applicant and then received evasive and repetitive answers the greater the extent of the Applicants refusal or inability to engage properly has manifest itself. Additional gaps in the evidence have also arisen from the absence of significant input from some statutory consultees.

An important consequence is that the ExA is left with a significant lack of information on which to reach a properly informed view of the merits and de-merits of the DCO application.

Even now an RVAA has only just been produced by the Applicant, and worse the ExA quickly picked up many deficiencies and gaps in it. The ExA has made it clear that it ‘remains concerned about the Applicants approach to this matter’ and has therefore insisted that ‘the information should be corrected and updated in a revised document’. At best this will come at Deadline 7 leaving no further timetabled opportunity for comments on it by IPs during the Examination. This is an unacceptable situation created solely by the Applicant.

In marked contrast the OHAs have done exactly what the ExA asked of them and produced an excellent, and I hope persuasive case for removing panels from at least the areas the OHAs had previously identified. (REP6-118)

I noted a few weeks ago during a Laura Keunsberg Sunday morning BBC programme that the Secretary of State, [redacted] said: “There has to be a proper process that we follow”. It seems to me that thus far the Applicant has utterly failed to follow ‘proper process’, and on this ground as well its DCO application should be refused.

MB 10 .11.25

Ref. [redacted]