

SUBMISSION FOR DEADLINE 5

PROJECT: Tween Bridge Solar Farm (Examination Ref: EN010148)

FROM: Mr Raymond Everatt Lindley

INTERESTED PARTY REF: [REDACTED]

AFFECTED PLOTS: 8/6

CATEGORY: Comments on any further information requested by the ExA and received by Deadline 4.

SUBJECT: Joint Rebuttal to Document 8.18 [REP4-060]: Material Land Referencing Error [Paras 4.65–4.72] and Deficient Cable Routing Justification (Action 1).

Purpose of this Submission

This statement provides my formal comments on the Applicant's Hearing Summary **[REP4-060]**. The Applicant's case for the compulsory acquisition of rights for "Route A-B" is fundamentally flawed. Due to a generic, blanket approach to their land referencing process, the Applicant has remained entirely unaware that their chosen route directly intersects active, private infrastructure on my freehold land.

Rebuttal of Cable Route A-B Justifications (Action 1)

The Applicant's five reasons [4.33] for preferring Route A-B fail to satisfy the statutory test of "absolute necessity" required under Section 122 of the Planning Act 2008. Convenience and commercial cost-savings do not justify the compulsory acquisition of private property rights:

- **Reason (d) The "Single Landowner" Claim:** The Applicant argues that Route A-B is preferred because it "only affects one landowner" (myself). However, this assessment was made in complete ignorance of the facts. Because their Book of Reference is incorrect, the Applicant failed to realize that Route A-B directly impacts and endangers my active, private underground infrastructure.
- **Reason (c) Outdated Planning Logic:** The Applicant admits Route A-B was originally chosen because it sat within a field intended for solar panels before negotiations with the Lindley family ceased. Because those negotiations

failed, that layout is void. The Applicant is trying to force an outdated legacy design onto my land rather than adjusting to the land currently available to them.

- **Reasons (a) & (b) Shifting Highway Disruption:** The Applicant admits to a failure of basic engineering and routing diligence in March 2024 and claims the alternative Route C-D is discounted because it involves road closures and is "costly." Commercial cost-saving for a private developer does not justify stripping a private landowner of property rights. The Applicant is simply shifting engineering difficulties away from public highways and dumping the disruption onto my private agricultural land. Furthermore the Applicant has provided no traffic management impact assessments or independent costings to prove that a temporary road closure on route C-D outweighs the severe, permanent, multi-generational agricultural impact inflicted by route A-B.
- **Reason (e) Residential Avoidance:** While avoiding residential areas is standard practice, modern techniques like Horizontal Directional Drilling (HDD) routinely bypass residential boundaries safely. The Applicant has failed to provide engineering proof that Route C-D is physically unfeasible.

It is also noted by T.M [4.37(a)] ***“that the installation of the cable represented a limited physical interference”*** yet they simultaneously claim the cable is too **highly disruptive** to justify routing it via Route C-D. The Applicant cannot argue that the infrastructure is both 'negligible' and 'severely disruptive' purely to suit their preferred narrative.

Land Referencing Failure & The Flawed Blanket Approach (Paras 4.65–4.72)

The Applicant's explanations regarding British Telecommunications plc (BT) reveal a total failure of their statutory duty of "diligent inquiry" under Section 44 of the Planning Act 2008:

- **Factually Incorrect Data via a Blanket Approach:** The Book of Reference (see attached doc 1) lists BT as the reputed 'occupier' of the telecommunication apparatus. Rather than conducting specific site research, the Applicant appears to have applied a generic blanket assumption that all such apparatus belongs to BT. This is factually wrong. BT has never owned, occupied, or had any legal presence regarding this asset, which was historically associated with Hutchison 3G.
- **True Legal Status:** I am the sole freeholder of this land. My Land Registry Charges register is clear of any third-party utility easements or operator rights. I own both the surface land and the complete subterranean infrastructure.
- **The "Silent Consent" Fallacy:** The Applicant asserts that BT's lack of engagement suggests their interests are "adequately protected." BT is silent simply because they do not own the asset and have no legal basis to respond. By relying on a blanket assumption, the Applicant is chasing a

non-existent interest while ignoring the actual freeholder standing right in front of them.

Failure of Statutory Consultation and Procedural Prejudice

- **Deficient Consultation:** While the Applicant engaged with me regarding general option routes across my wider land holding, **I was never once consulted regarding this specific mast or the subsequent subterranean cable** that Route A-B will cross.
- **Procedural Injury:** Because the Applicant applied a blanket label to these physical assets and assigned them to BT, they completely bypassed me during their infrastructure assessment. This has stripped me of my statutory right to protect my assets and negotiate safe physical boundaries, clearance distances, and asset protection clauses.

Requirements to Resolve Formal Objection

I maintain my strict formal objection to the grant of Compulsory Acquisition or Temporary Possession powers over my land. The Examining Authority (ExA) should deny these powers unless the Applicant is directed to:

1. **Amend the Book of Reference:** Remove BT entirely and accurately record my sole freehold interest in both the apparatus and the land.
2. **Contract the Working Corridor:** Restrict the proposed 30-metre wide corridor to a contractually locked, standard utility easement width of 6 to 10 metres.
3. **Include Asset Protections:** Enter into a legally binding crossing agreement to protect my existing subterranean cable from contractor interference along Route A-B.

Conclusion

The Applicant is using blanket guesswork to invent justifications for the silence of a wrongly identified utility company, rather than verifying the physical infrastructure on the ground. They cannot claim Route A-B is a safe or superior choice when their failure of diligent inquiry meant they did not even know what infrastructure was sitting in its path.

I request that the ExA reject the Applicant's justification for Route A-B and halt all compulsory acquisition requests on these plots until the Book of Reference is corrected and genuine negotiations begin.

Signed: Mrs V Lindley

Capacity: Representative and Daughter-in-Law of Mr. Raymond Everatt Lindley (Freeholder)

Date: 4th August 2026