

WRITTEN REPRESENTATIONS

RESPONSE BY VIVIENNE JANE CLARKE RR4875 TO THE RESPONSES MADE BY THE APPLICANT TO HER RELEVANT REPRESENTATIONS (EXAM 9.3) AND REQUEST TO EXAMINERS TO ASK QUESTIONS OF THE APPLICANTS

I wish to comment on the responses the Applicants supplied in its document EXAM9.3 which purported to respond to the Relevant Representations I submitted. I also wish to make a number of comments on the Applicants' approach to public consultation and, from knowledge of the area, to ask the Examining Authority to ask a number of questions.

Whilst I understand that it is accepted that due to the large number of responses the Applicant could properly group answers to points raised in Relevant Representations together in order to avoid unnecessary duplication I do not consider that all the points raised in my Relevant Representation have been adequately dealt with and in some cases not dealt with at all.

The format used by the Applicants makes it very difficult to assess – there are 61 references to RR4875 scattered over a document which is 1082 pages long.

I will comment only on a few of the responses, or failures to respond. This is not exhaustive but illustrative.

There are some where I particularly hope that the Examiners will challenge the Applicants and its experts (who seem to be the experts used on every scheme promoted by IGP with no particular local knowledge) on a wide range of matters and not to accept their assessments of damage and proposed mitigation without the most careful analysis of the accuracy of the bases for the assertions and conclusions in relation to the harms this Scheme would cause.

In particular I would ask the Examiners to examine very carefully the Applicants' overall approach and the effectiveness of their proposed mitigation and whether the protections in relation to mitigation and decommissioning, even if included in a DCO, are sufficient when the party benefiting from the DCO is a Single Purpose Vehicle the shares in which are currently ultimately owned by a Macquarie Bank fund and likely to be sold off, quite possibly before being built.

ALTERNATIVES

I can find no trace of a response to points made in my Relevant Representations in which I questioned whether the Applicants had the right to all the land within the redline area of the scheme until 2089. This is something which has been requested by me and others in meetings and correspondence from the moment that the outline of this

Scheme was made public at the non-statutory consultation in March 2024. The landowners have been prevented by the Applicants from giving any information or comment about what they have agreed to by contractual terms imposed by the Applicants.

Could the Examiners please require the Applicants to disclose what agreements they originally signed with the various landowners and any further agreements they now have giving rights over the pink land, specifically the duration of such rights.

The Applicants insist that arrangements with landowners are confidential. The imposition of NDAs and other terms in the contracts have prevented landowners from providing this information (even those who would otherwise have wanted to) but there is a belief that what the Applicants obtained from the landowners at the outset (presumably on the basis of what they told the landowners would be required when persuading them to grant options) did not include the right to use the land within the Scheme for the 60 years – plus construction and decommissioning so more like 65 years – that they have said or implied they have obtained voluntarily and which they need unless they are to seek Compulsory Acquisition of the pink land or only operate for a period shorter than the 60 years sought.

I would urge the Examiners not to underestimate the fear that some of the landowners and some of the tenants of the landowners are operating under. They have effectively been “gagged” either by the contracts or by fear of upsetting a powerful landlord.

The Applicants have said the voluntary provision of land was a major reason for selecting this area for a solar scheme so even if the landowners have more recently granted longer options it will be relevant.

It is the duration of what was agreed at the outset and what they have now agreed, not the commercial terms, which are important. That information cannot be, or should not be, confidential.

The Applicants should not be allowed to hide behind confidentiality agreements which they themselves imposed. How can you properly examine the Scheme if you not know the facts? Any NDA should have carve outs to allow disclosure if required by law. Surely the Examiners have the legal right to the facts when this is so fundamental to the viability of the Scheme and (1) the true position of the Applicants in relation to the original site selection and what the land owners were told the Scheme would be and (2) the Applicants’ ability to operate the Scheme for up to 60 years plus commissioning and decommissioning, as sought in the DCO.

The term of usage of land would presumably have been a key consideration for landowners understanding what was proposed when entering into option agreements with the Applicants.

In addition to its importance in the context of site selection, as I understand it many of the figures relied on by the Applicants to demonstrate overall benefit of the Scheme rely on the operation being for 60 years.

FLOOD

The response to my concern about risk of increased flood off site by increased run off and compaction of soil is unsatisfactory.

There is no scheme which has been built of this size or using the proposed tracking panels in the UK, let alone on the type of soil and geology which exists in the areas of the 5 Lime Down sites. There are well known (at least to those who live in the area) flood issues in Corston, Easton Grey, Norton, Foxley, Malmesbury, the Somerfords and others.

Ancient bridges such as the one in Easton Grey are vulnerable to flash flooding when there is very heavy rainfall leading to increased run off or after lengthy but moderate rainfall leading to runoff from saturated land. See photo of Easton Grey bridge in November 2024 – Storm Bert.

If the water level gets above the arches (as it did nearly but not quite in 2024) the bridge would act as a dam and flood the village.

There are similar ancient bridges with limited height arches down the Upper Avon and Gauzebrook.

In Easton Grey, and I assume other villages and hamlets downstream, there are cesspits and sewage treatment plants at river level as many properties are not on the mains sewage. Overwhelming these sewage treatment plants risks polluting the rivers which would be a criminal offence.



To assist the Examiners in assessing the kind of statements made to my concerns about flood, words which are used by the Applicants in response to the concerns of many others, I have set out below the Applicants' response to part of my query on flood issues (my highlighting).

It appears to me to include words deliberately intended to downplay or avoid responding properly to what is a serious concern not just of mine but of hundreds of people who live locally and sent in Relevant Representations and to use words which mask or underplay the flood risks which the Scheme would cause to a large number of people, businesses and properties outside the redline area.

There is also a risk to the mainline railway which runs through a deep cutting which is to be surrounded by panels in Area D. The BESS and 400kV transformer which, even on the Applicants' assessment will be on impermeable bases are right by the railway.

*“Regarding specific concerns that panels will increase flooding, the submitted assessment presented in ES Volume 3, Appendix 11-1 ES Volume 3, Appendix 11-1: Flood Risk Assessment and Drainage Strategy - Lime Down Covering Report [APP-210] reflects **established hydrological evidence** that the addition of solar panels over a vegetated field does not materially increase runoff volumes, peak discharges or response times, and that changes in hydrologic response are **primarily associated** with alterations to ground cover beneath the panels rather than the panels themselves.*

Panelled areas are therefore designed so rainfall continues to drain to ground, with no creation of extensive impermeable surfaces and with controls in place to avoid any increase in discharge to watercourses. Measures to manage surface water runoff and drainage are set out in the outline drainage and construction management plans (ES Volume 3, Appendix 11-1 to 11-9: Flood Risk Assessment and Drainage Strategy [APP-210 to APP-218] and Outline CEMP [APP-277]) accompanying the Application. Where drainage measures are necessary, these include permeable surfacing, infiltration features, swales and attenuation storage to manage surface water and maintain greenfield runoff behaviour, as applicable. Consistent with NPS EN-3 paragraph 2.10.84, these controls distinguish between solar PV panel areas, which drain to the existing ground and do not generally give rise to significant drainage effects, and associated infrastructure where runoff controls are required. The preparation, approval and implementation of the detailed drainage and construction management plans, substantially in accordance with the outline plans, are secured through Schedule 2 of the Draft DCO [APP-016]. This secures delivery and maintenance of the drainage strategy for Scheme infrastructure, together with soil and water management controls during construction, ensuring there is no material increase in off-site flood risk over the lifetime of the Scheme. Accordingly, the Applicant considers that flood risk in relation to the Scheme has been robustly and appropriately considered.”

“Measures to manage surface water runoff and drainage are set out in the outline drainage and construction management plans accompanying the Application (ES Volume 3, Appendix 11-1 to 11-9: Flood Risk Assessment and Drainage Strategy [APP-210 to APP-218]). Consistent with NPS EN-3 paragraph 2.10.84, these controls distinguish between solar PV panel areas, which drain to the existing ground and do not generally give rise to significant drainage effects, and associated infrastructure where runoff controls are required.”

Could the Examiners please seek details from the Applicants of:

1. The “established hydrological evidence” that solar panels, specifically the types of panels they propose using, do not materially increase run off volumes, peak discharges or response times.
2. What other matters cause changes in hydrologic response which they claim are “primarily” (and presumably therefore not wholly) associated with ground cover rather than panels themselves.
3. What the Applicants consider to be “significant” drainage effects.
4. The underlying evidence, and the basis on which it was analysed, to reach the conclusion that the flood risk outside the Scheme area (not just for the Scheme infrastructure) has been “robustly and appropriately considered”.
5. Whether the Applicants’ findings are supported by appropriate research and modelling of the actual area.

- 6. How much water in heavy rain falling onto the concrete bases of the transformers, huge BESS area and other non-porous infrastructure will be diverted into watercourses or towards the mainline railway cutting where currently the land absorbs rainfall.**
- 7. What is meant by “generally” and “significant” in the highlighted parts of the second extract from the Applicant’s response?**
- 8. Who, if anyone, is responsible for the costs of remedying the damage caused by floods and the increased flood risk if the mitigation and avoidance measures the Applicant confidently says turn out not to work? Is this just a harm that the community and the council tax payers of Wiltshire has to bear literally and financially?**

I am no scientist but it simply cannot be right that in heavy rain when panels cover vast areas of land (1.8 million square meters) they will not create rain shadows and reduce the ability of the land below to absorb run off thereby hastening the water into the already overloaded watercourses and into the river system outside the Scheme with the consequential increase in flood risk to the community.

Any gardener knows that heavy rain falling on dried out earth will quickly flow away before being absorbed.

Also any gardener knows that grass does not flourish when lacking in water and light as could be the case in summer.

MITIGATION

The Applicants’ responses to most of my representations refer to the mitigation steps they will be taking to avoid or reduce harm.

In the context of landscape this includes lots of planting of hedges and trees to replace those which will be grubbed up as part of the construction process. Apart from the impact on ecology of removing ancient hedges and replacing with saplings there are real issues about the viability of this mitigation which impacts ecology, landscape and traffic.

Could the Examiners please investigate how the Applicants intend to ensure that young saplings and hedges which need regular watering in the summer months to survive are going to be tended and by whom and how any assurances can be made binding.

Where is the water going to come from?

If by tanker, where are the figures for this in the Applicants’ traffic and other chapters?

How if the saplings and hedges die, as already seems to be anticipated in the OLEMP, the statements as to effects of this type of planting mitigation can be accepted?

Who is expected to enforce commitments in the DCO if not complied with (as appears to have happened at Cleve Hill, the only large solar NSIP built so far).

SOCIO-ECONOMIC

The response to challenges about the figures put in the Applicant's EIS have been effectively ignored with a "We know better than you" approach which prevails in so many areas of this and other documents produced by the Applicants and their consultants.

"The assessment therefore concludes that the Scheme would not result in significant adverse effects on local businesses or the wider local economy, and that socioeconomic benefits, including job creation and local supply-chain opportunities, are expected during the construction phase, with more modest economic and skills and supply chain opportunities during the operational phase."

The Applicants' failure to recognise the risk to tourism, equine establishments, farmers (including tenant farmers of the owners of the pink land), AirBnBs etc whose business comes from people wanting a rural escape is shocking. The reason people come here is for the landscape and tranquility which the Scheme would destroy.

No explanation is given about the modest economic skills and supply chain opportunities. The bulk of the materials for this Scheme are likely to come from China and I do not understand how the local supply chain will benefit. On the contrary the increase in traffic during construction will hinder local businesses.

I can see no real analysis of how many tourists who currently visit this area, on foot, cycle or by car are calculated. There seems to be no analysis or why they would not be put off by the complete change in landscape from long peaceful quiet views with open footpaths to an entirely different sound and visual landscape.

The effect on Malmesbury, for example, has been ignored despite being heavily reliant on visitors to the area. The effect on Sherston has also been ignored despite having at least 2 businesses who are reliant on cyclists and walkers and tourists plus a pub. The Vine Tree pub at Norton, currently reached by many on a public footpath, would be surrounded by panels as would the footpath. That is inevitably going to impact that pub's business. There is a country house hotel in Easton Grey who clients often walk the footpaths which will be impacted. The loss of income and potential job losses are simply not factored in.

It is not credible to suggest that at least some cyclists, walkers and tourists will choose to go to a different area to enjoy the landscape and peace they currently have in the

Lime Down area or choose not to return once they have seen what has been done to the landscape.

There are many other small businesses which will be impacted, quite apart from tenant farmers and farmers down the cable route.

No proper assessment on the impact on horses have been made. Horses and riding round here are not just recreational – horses account for the business of studs, event yards, livery yards, farriers, vets, feed merchants and so much more. Horses and HGVs and noise do not mix.

Could the Examiners please get the Applicants to explain what benefits are expected to accrue to the residents and businesses in this area (other than the payments to be made to the owners of the pink land) in the construction period and how they came to the conclusion that the Scheme would not result in significant adverse effects on local businesses or the wider local economy.

What are the economic skills and supply chain opportunities during the operational phase?

TRANSPARENCY OF CONSULTATION

The paper based materials which the Applicants supplied during the statutory consultation were misleading. The images of the BESS and solar panels in the Project Information Booklet and at the consultation meetings bore no resemblance to the reality of what is planned. The image of the BESS was computer generated and does not give a true impression of what the Applicants actually propose.

Similarly the image of the 400kV transformer is CGI and unlike what is proposed.

Finally, the only images of PV panels in the booklet are not 4.5m tracking or 3.5 m fixed panels. It takes a sharp eye to realise that these are not the panels proposed.

Photos of the relevant pages from the Project Information Booklet are at the end of this note. Perhaps unsurprisingly no image of the proposed 4.5m tracking panels were included in the project booklet. It is not acceptable to say that information was provided in the PEIR – what normal person looks further than the leaflet delivered?

Despite writing to the Applicant requesting an image of a BESS of similar size to the one proposed this has not been provided.

The image of the BESS and the photo of solar panels would not lead someone to have any idea of what the Applicant actually intended to build nor the numbers or scale.

Generally it has been very difficult for members of the public to obtain information to enable them to understand the real scale and impact of the project from within the

mass of material submitted. Particularly to visualise the size of the panels in the landscape.

After the application was filed I asked for copies of the visualisation documents at APP 103-105 (because the notes say they have to be printed on a particular size of paper in order to be viewed properly).

The instructions as to viewing and printing is set out below

Technical Information Refer to accompanying Technical Methodology: ES Volume 3, Appendix 8-1: LVIA Methodology [EN010168/APP/6.3] Printing Note This viewpoint visualisation is spread across a single sheet 841mm wide and 297mm high. To give the correct viewing distance the sheet should be printed at a scale of 1:1 on large format paper and cut to size. Do not print at A3.

This photograph and visualisation is a cylindrical projection panorama. Hold this sheet at a comfortable arm's length from your eyes and curve the image through 90° and turn head to view. Alternatively, the visualisation can be laid flat and viewed by scanning left or right parallel to the sheet maintaining a 50cm viewing distance between your eye and the page. This visualisation is a tool for assessment and is best used for comparison in the field from the viewpoint location shown. It cannot be considered a substitute for visiting the viewpoint location.

I was told I (an individual trying to understand the visualisations of what the Applicants propose) would have to pay £3150 plus VAT plus a handling fee of £472.50 and a courier fee of £200 to receive these.

I can find no reply to my comments about this in the Applicants' response.

It appears that the photomontages were intended to be – or in practice are – not usable by any member of the public or many statutory consultees trying to understand the extent of the scheme.

While I am aware that the consultation has been approved, in the sense that that Applicants have been permitted to submit their Application, it is noteworthy just how many people expressed concern about the consultation process in their Relevant Representations.

The Applicants' reply included the following

“The Applicant considers the materials provided were adequate and informative, and presented information using standard mapping conventions.”

No one looking at the image of the BESS would have known what is planned and nowhere is there an image of the PV panels proposed (so much larger than the “normal”

panels seen in nearby solar developments) nor or an indication of the numbers – 600,000 plus – to be used in the landscape. Despite the local community's best efforts to get people to understand what is proposed there are still many people who have no concept of what Lime Down really consists of.

Could the Examiners ask the Applicants why they chose not to produce images which properly reflected the proposed BESS, panels and 400kV transformer in their consultation materials.

CONCLUSION

These are non-exhaustive examples of my concerns about my Relevant Representations not being properly addressed despite the huge resources of the Applicants and my concerns at the apparently deliberate attempt to mask the enormity of the impact of the Scheme from ordinary members of the public.

The Examiners are asked not to accept the materials submitted by the Applicants and their consultants at face value and to have at least equal regard to the materials submitted by or on behalf of those who live in and love and know this area including those from SLD.

Vivienne Jane Clarke

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Site C



What is a Battery Energy Storage System (BESS) ?

A BESS is designed to provide storage for energy in large batteries. The BESS proposed for this Project would provide an important balancing service for the national grid. It would store excess electricity generated by the solar PV panels or excess energy in the grid when demand is low, releasing it back onto the grid at times of higher demand when its needed most.



0 km 0.25 km 0.5 km

A horizontal scale bar with three segments. The first segment is labeled '0 km', the second '0.25 km', and the third '0.5 km'. The bar is marked with vertical lines at each segment boundary.



What is a substation?

Substations provide a connection point for generators to input power into the network. They adjust electricity to the right voltage to ensure it can be safely and efficiently transported to homes and businesses.



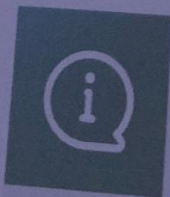
Figure 7: Illustrative model of the 400kV substation

mesh and height of 2.5 metres to prevent large mammals such as deer from getting close to equipment. Electrical infrastructure, including substations and BESS, would be secured through three metre high palisade fencing around the perimeter (of each compound).

Pole mounted internal facing CCTV systems would be used around the perimeter of the operational elements of the Solar PV Sites. It is anticipated these would be galvanised steep painted green poles with a maximum height of three metres.



Figure 2: Example of fencing from IGP's Salhouse Solar Farm



The Indicative project layout on **page 12** shows our current indicative proposals for the design and layout of the solar energy park.