COMMENTS ON THE APPLICANT'S STATEMENT OF REASONS

Project: EN010168 – Lime Down Solar Park
Submitted by: Joan Bassler

Introduction

The Applicant presents the Lime Down Solar Scheme as a polished, technical, and inevitable piece of nationally significant infrastructure. Yet when the documents are read closely, a very different picture emerges. The Scheme is defined not by clarity, precision, or necessity, but by **strategic vagueness**, **elastic design parameters**, and an **extraordinary land take** that the Applicant has not justified. Almost every component is described in terms of "up to," "indicative," "anticipated," or "within which," leaving the Examining Authority and affected landowners with no clear understanding of what will actually be built, where, or why.

This is not a minor drafting issue. It goes to the heart of the compulsory acquisition tests. The Planning Act 2008 requires a promoter to demonstrate that the land sought is necessary, that no more land than reasonably necessary is taken, that reasonable alternatives have been considered, and that the interference with private property rights is proportionate. A scheme defined only by maximum parameters and broad envelopes cannot satisfy these tests. A promoter cannot claim that land is "required" when the design itself is not fixed.

There is also a wider national risk that cannot be ignored. Lime Down is one of more than a dozen UK solar and battery schemes promoted by Island Green Power, now wholly owned by Macquarie Asset Management. Together, these schemes represent over 15 GW of generation and storage capacity — all concentrated in a single overseas investment fund. Approving Lime Down would further consolidate control of critical grid-connected infrastructure in one corporate entity, creating a structural single-point-of-failure risk for the UK's energy system. No other sector — water, telecoms, or defence — would allow this level of concentration without scrutiny, yet the Applicant provides no assessment of the grid-level implications of placing such **a large share of future renewable capacity under one foreign-owned fund.**

The Applicant's approach reverses the proper order of decision-making. Instead of designing a scheme to fit the land, the Applicant seeks to acquire the land first and determine the design later. The result is a proposal that appears comprehensive at first glance but is, in reality, **opaque, unfixed, and strategically imprecise**. The Examining Authority is asked to grant the most intrusive powers available under the Planning Act — powers to take private land against the will of its owners — on the basis of a scheme whose essential features remain undefined.

This submission does not oppose renewable energy, nor the principle of solar generation. It challenges the way this particular Scheme has been presented: a project of unprecedented scale, dispersed across five separate land parcels and a 14-mile cable corridor, justified by broad assertions rather than evidence. The Applicant has not met the statutory tests for compulsory acquisition. The land sought is excessive, the design is unfixed, the alternatives unexplored, and the interference with private rights disproportionate.

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1. Weaknesses in the Applicant's Description of the Scheme

The Description of the Scheme uses polished technical language but provides little meaningful clarity. Key elements are defined only as "associated development," "other infrastructure integral to the Scheme," or "areas within which cables would be located." These phrases give the Applicant maximum flexibility while giving the public minimal certainty.

The Applicant avoids stating the total land take, avoids explaining why five dispersed parcels are required, and avoids fixing the cable route. Essential detail is deferred to other documents, figures, or future design stages. The result is a description that is **broad in scope but thin in substance**, incompatible with the precision required to justify compulsory acquisition.

Integrated deficiency:
The SoR must show a clear idea of how the land will be used. Instead, the Applicant relies on the Rochdale Envelope to mask the absence of fixed layouts, cable alignments, BESS configuration, construction compounds, and access arrangements. This fails the compulsory acquisition guidance.

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2. Failure to Demonstrate Necessity

The Statement of Reasons repeatedly asserts that land is "required," but provides no evidence-based explanation for:

- why the Scheme must occupy five separate land parcels,
- why the cable corridor must be 14 miles long and up to 665 metres wide, or
- why the design must take this particular form.

The Applicant relies heavily on general policy support for renewable energy, but national need does not remove the statutory requirement to demonstrate **project-specific necessity**.

Integrated deficiency:
The SoR contains *assertions instead of evidence*. Statements that the Scheme is "necessary," "proportionate," or "in the public interest" are unsupported by quantified benefits, balancing exercises, or site-specific justification.

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3. Failure to Demonstrate That No More Land Than Reasonably Necessary Is Required

The land take is exceptionally large and unusually dispersed. Yet the Applicant provides no engineering, environmental, or operational justification for its extent.

Examples include:

- a cable corridor 14 miles long and 50 metres wide, expanding to 665 metres with no explanation,
- five separate solar parcels with no evidence that consolidation was considered,
- a BESS footprint whose size and location are unexplained.

Because the design is defined only by maximum parameters and indicative locations, the Applicant cannot demonstrate that the land sought is the minimum reasonably necessary.

Integrated deficiency:
The SoR claims the land is "no more than reasonably necessary" but provides *no minimisation exercise*, *no alternatives analysis*, and *no justification* for the 1,237-hectare land take or the 463-hectare cable corridor.

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4. Failure to Justify the Cable Route Corridor

The Cable Route Corridor is one of the most intrusive elements of the Scheme, yet it is also one of the least justified.

The Applicant has not:

- fixed the alignment,
- explained the engineering need for the width,
- provided comparative analysis of shorter or less intrusive routes,
- demonstrated that sensitive areas could not be avoided,
- provided criteria for when trenchless techniques would be used.

Integrated deficiency:
The SoR contains *no evidence of reasonable alternatives*. Section 7.6, titled "Alternatives to the Scheme," contains no alternatives analysis at all.

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5. Failure to Consider Reasonable Alternatives

The alternatives assessment is superficial and unsupported. The Applicant provides no evidence that it considered:

- smaller or consolidated layouts,
- alternative BESS or substation locations,
- shorter or less intrusive cable routes,
- reduced footprints,
- phased or scaled-down schemes.

The Statement of Reasons simply presents the chosen configuration as inevitable. This is inconsistent with the requirement that compulsory acquisition be a **last resort**.

Integrated deficiency:
The SoR does not demonstrate that the Applicant attempted to reduce land take, modify the Scheme, or negotiate meaningfully with affected landowners.

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6. Human Rights and Proportionality

The Applicant has not demonstrated that compulsory acquisition is compatible with Article 1 of Protocol 1 (A1P1). While renewable energy may serve a legitimate aim, the Applicant must still show that the specific interference with private property rights is necessary and proportionate.

The Applicant has not:

- shown that less intrusive means were unavailable,

- demonstrated that the land take is the minimum necessary,
- provided evidence of site-specific benefits,
- carried out a meaningful balancing exercise.

Integrated deficiency:
The SoR's human rights section is generic boilerplate. It contains no proportionality analysis, no assessment of individual impacts, and no explanation of why interference with property rights is justified.

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7. Corporate Risk and Developer Reliability

Lime Down Solar Park Ltd is a special-purpose vehicle with no trading history, no assets, and no long-term operational track record. Its parent company, Island Green Power, was recently acquired by Macquarie Asset Management — a fund whose UK infrastructure history (including Thames Water) raises concerns about debt loading and long-term stewardship.

The use of SPVs allows ownership to be transferred without scrutiny. There is no guarantee that the entity acquiring the land will be the entity operating or decommissioning the Scheme.

Integrated deficiency:
The SoR provides *no evidence of corporate or financial resilience*, no parent company guarantee, and no demonstration that the Applicant can deliver the Scheme or meet compulsory acquisition liabilities.

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8. Concentration of Control and National Resilience

Lime Down is one of more than a dozen UK solar and battery schemes promoted by Island Green Power, now wholly owned by Macquarie. This consolidates control of over 15 GW of solar and battery projects in a single overseas investment fund.

This raises legitimate questions about:

- national resilience,
- energy security,
- supply chain vulnerability,
- the appropriateness of granting compulsory acquisition powers to a foreign-owned fund already controlling a significant portion of the UK's solar pipeline.

Energy infrastructure is strategically sensitive. Consolidating control in a single overseas entity is inconsistent with the Government's stated aim of building a secure, domestically anchored energy system.

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9. Deliverability and Related Consents

The SoR states that no impediments to related consents are expected, but provides no evidence.

There is no assessment of:

- highways consents,
- drainage consents,
- BESS fire safety requirements,
- grid connection deliverability,
- construction access constraints.

Integrated deficiency:
The SoR relies on a Funding Statement that confirms **no funding is secured**, **no investment decision has been made**, and **no parent guarantee exists**. Without evidence of deliverability, compulsory acquisition powers cannot lawfully be granted.

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10. Legally Flawed Justification for Compulsory Acquisition

The SoR states that compulsory acquisition powers are needed "to protect against contracts not being adhered to."

This is **not** a lawful justification.
Compulsory acquisition powers cannot be used as insurance against commercial risk or to compensate for the Applicant's inability to secure voluntary agreements.

Conclusion

The Applicant has not met the statutory tests for compulsory acquisition. The Scheme is defined by vagueness, excessive land take, unfixed design, and a lack of alternatives analysis. The interference with private property rights is not justified, not proportionate, and not supported by evidence.

The Statement of Reasons fails to demonstrate:

- a compelling case in the public interest,
- that the land is no more than reasonably necessary,
- that alternatives were properly considered,
- that the Scheme is deliverable,
- or that compulsory acquisition is a last resort.

For these reasons, the compulsory acquisition powers sought should not be granted.

Note on AI Assistance

I used Microsoft Copilot to assist with reviewing and analysing the Applicant's documents and publicly available information relating to comparable Nationally Significant Infrastructure Projects. Copilot helped me identify weaknesses in the Applicant's Statement of Reasons, compare Lime Down with other NSIPs, and organise the material into a clear, structured submission. It also assisted in refining the wording, improving clarity, and ensuring that the arguments were presented coherently and consistently. All views, concerns, and conclusions expressed in this document are entirely my own.