

Response to Applicant's Comments on Written Representations so far as it relates to Vivienne Jane Clarke [REP2.039] pages 1420 et sec 9.22

Notwithstanding the lengthy responses, the Applicant has failed properly to address the points made in my Written Representations but has made concessions, the importance of which I request need to be considered.

Duration of scheme and land rights

At page 1424 of REP2.039 the Applicant refers to having given an example of the duration of the rights it has over one part of the Scheme at **REP1A012 Page 24**. Upon looking at this comment post ISH1 it shows that part of the land in Lime Down E is for a maximum of 40 years based on an agreement reached in 2023. It is referred to as an example. This strongly suggests that the landowner concerned was not aware that the application would be for a scheme of up to 60 years of operation – plus around 5 years for construction and decommissioning. What the landowners were told by the Applicant when agreeing “voluntarily” to provide their land is relevant, particularly in the light of the importance placed on this in the context of the Applicant’s stated basis for site selection. I welcome the ExA’s written question seeking further information about the land rights the Applicant has for each part of the Lime Down site and whether the landowners were aware of the extent and duration of the Scheme and the size of the proposed panels.

The response at page 1424 refers to the 60 year operational period representing the reasonable worst case taking account of GHG emissions but if all or some of the land is only available for 40 years, of which 5 years will be construction and decommissioning, I question will this not only increase the damage by reducing the claimed clean energy benefit to 35 years rather than the 60 years on which the documents prepared by the Applicant are based?

Watering and maintenance of new planting

In my WR I raised the issue of the watering of newly planted hedges and trees and plants forming part of the mitigation and how the water was to be delivered, and how much and how often which is unclear.

The Applicant’s response (at page 1446) other than referring to a proposed LEMP does not properly address this and appears to be a stock answer – but not to the point raised.

I specifically asked “Where is the water going to come from? If by tanker, where are the figures for this in the Applicants’ traffic and other chapters?”

Once again the response did not address the question.

Applicant's response *"The Scheme is not a residential development and does not create a material operational water demand comparable to housing or domestic water use. The existing baseline is agricultural land. That land already receives rainfall and supports crop growth, with water used through evapotranspiration and, where undertaken, seasonal agricultural operations including irrigation during drier periods. The proposed solar use would not introduce a continuous household-type potable water demand. Operational water demand would be limited and intermittent, principally associated with maintenance activities such as occasional panel washing where required. Panel washing, if required, would be periodic rather than continuous and would be undertaken using authorised water supplies. It would not rely on uncontrolled abstraction."*

There are references to watering in {APP-283} *Outline Landscape and Ecological Management Plan* (OLEMP) (but not in [REP1-107] *Outline Ecological Protection and Mitigation Strategy* (OLPMS) (Rev 2) (Tracked), to which the response also refers. For example, OLEMP para. 1.3.45 states that *'All trees and shrubs will be regularly watered in the first summer and thereafter as required to ensure successful establishment'*, and the same applies to new woodlands (although I note para. 1.3.30 states that *'Newly planted hedgerows shall be regularly watered in their first summer'* (emphasis added), but it's not clear if hedgerows count as 'trees and shrubs' and if not, whether they would ever be watered again.

The Applicant appears to consider that young saplings and hedging can be treated in the same way as crops. Although there is reference to crops being irrigated during drier periods (not something I am aware of happening in our area) there is no answer to my question about where the water is going to come from and, if by tanker, why this does not appear in their traffic and other chapters. There appear to be no plans in the OLEMP for watering after the first summer.

Could the Applicant be asked to explain how it intends to ensure the regular watering of newly planted hedgerows, trees and shrubs and the source and amount of the water to be used, the method of transportation and delivery to be used and whether this is only to be in the first summer after planting. And, whether this will be during the construction phase or after it, and how they can ensure that this will not cause soil compaction.

In the light of the recent week of hot weather, I am acutely aware that young plants die very quickly if not watered on a very regular basis and they require substantial amounts of water. If they did die, even if replaced, the planned mitigation and/or enhancements will not materialise.

I also asked the Applicant *"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?"*

The Applicant's response was not satisfactory. It makes assumptions that all planting will grow at 0.4m pa in order to reach the heights anticipated at year 15. Although it appears to be accepted that not all saplings will grow at this speed as it is an average which the Applicant considers to be a reasonable approach rather than being site specific. It is not clear on what basis it has concluded this is a reasonable approach.

There are references to replacement planting which strongly suggests that the Applicant anticipates that many of its planned mitigation and enhancement planting will not survive. In those circumstances, how can the assurances about the effectiveness of the mitigation be accepted?

Cleaning of solar panels

The reference in the Applicant's answer to occasional panel washing is noted. Details of how often this is to occur and how this is to be achieved – and whether it would cause further compaction of the land – is not provided.

There is reference in the press recently that the panels at Cleve Hill (the largest solar NSIP currently built) are using huge amounts of water:

[REDACTED]

Could the Applicant be asked to provide details of the panel cleaning regime, the source of water, the amount required and how this will be delivered to the various sites.

Compliance with obligations

Throughout the documents on which the Applicant rely is the assumption that the owner for the time being of Lime Down Solar Park Limited (which is a single purpose vehicle indirectly owned by foreign investors) will comply strictly with the terms of the DCO. What is not clear to me is who is expected to police the many obligations and take steps to enforce if there are breaches. These obligations are extremely important but it seems wrong that the onus (and expense) for this and other obligations in the DCO should fall on an already stretched local authority and effectively subsidised by the local residents and their council tax.

What happens if the council finds breaches but has other priorities or its limited financial and personnel restrictions means it does not check for breaches, or take enforcement action in relation to breaches which occur?

What sanctions are there for an Applicant which cuts corners or whose assessments turn out to be incorrect?

Decommissioning compliance

I have particular concerns about the costs of decommissioning which will be very substantial. **Who will be responsible if the decommissioning is not done properly or at all? What would happen if Lime Down Solar Park Limited was, by that stage, insolvent?** Criminal sanctions against a UK company owned by foreign entities is no substitute for a very substantial bond being required as a condition for granting a DCO

and to protect the current and future residents and tax payers of Wiltshire from essentially having to underwrite the cost of remedying breaches.

Can the Examiners require some kind of bond to be paid to provide Wiltshire Council with the funds to pursue the Applicant for breaches of the DCO during construction, operation and particularly decommissioning?

Socio-economic

The response to VJC021 (page 1458-9) is another example of the words not responding to the question. I queried what analysis there had been of how many tourists who visit the area on foot, cycle or by car are calculated and why they would not be put off by the complete change in landscape. Their response does not properly explain the basis for their conclusions.

In its response to VJC-024 [page 1471] the Applicant acknowledges that any adverse effects from the Scheme are more likely to be felt locally than the largely wider scale benefits of the Scheme. The principal benefit referred to is the help to meet the UK's net zero requirements – but the assessments of the University of Exeter and the University of Derby in the Wiltshire Council and Stop Lime Down Written Representations indicate that Lime Down would not reach net zero until the late 2070s (assuming construction commenced in 2027 and the Applicant can obtain the land for 60 years of operation plus the additional time for construction and decommissioning) and so will not help the UK to achieve net zero by 2050. Based on the materials submitted by Stop Lime Down and Wiltshire Council and others, **I do not accept** that there will be ecological and landscape enhancements, employment generation or economics benefits. There is no benefit whatsoever for the residents of North Wiltshire whose lives and livelihoods will be so significantly impacted.

Consultation Materials

In response to VJC-026 concerns about consultation and engagement [page 1474] the Applicant has, once again, provided a stock reply about their confidence in the consultation process without replying to my criticism of their misleading images of the BESS and proposed panels in the Project Information Booklet.



They refer to the non-technical summary of the ES [APP265] but even this has images which are misleading. The panels have nothing against which the size can be judged and the typical BESS is still CGI and not remotely like what is proposed for Lime Down (pages 15-18)

Whilst the application has been accepted **could the Examiners ask the Applicant to explain why it chose to use unrepresentative CGI generated images in its materials**

(particularly of the BESS) and no image of a 4.5m tracking panel with a person or other guide to demonstrate scale and how this could be said to have given the public a true impression of what was proposed.

The picture of an apple in the Project Information Booklet has more space than the images of the BESS or panels or 400kV and 132kV transformers. The true scale and impact of Lime Down was not apparent from the Project Information Booklet.