

Comments on the Applicants Response to the Written Representations [REP1-164] on behalf of Mr John Eavis ( ) and Mrs Rosemarie Eavis ( ) (the Owners) of Manor Farm ( ) (m) against the proposed application for a Development Consent Order (the DCO) for the Lime Down Solar Project (the Development) by Lime Down Solar Park Limited (the Applicant).

The Owners remain concerned that the Applicant's response does not adequately address the principal issues raised in their Written Representation.

Whilst the Applicant relies upon the Rochdale Envelope approach, design flexibility and ongoing negotiations, it has not demonstrated why the extent of land and rights sought over parcels 05-043 and 06-001 to 06-006 represents the minimum land and rights reasonably necessary to deliver the Proposed Development.

A particular concern is the inconsistency between the Applicant's compulsory acquisition case and its negotiating position. Throughout discussions, the Applicant has repeatedly suggested that substantially less land may ultimately be required than is included within the Order Limits and that not all of the rights sought through the draft DCO are expected to be exercised in practice. However, those assertions are not reflected in either the powers sought through the DCO or the voluntary Heads of Terms presented to the Owners.

The Owners have repeatedly sought clarification as to which land and rights are genuinely required and which powers are retained only as a contingency. Despite this, the Applicant continues to seek extensive compulsory acquisition and temporary possession powers whilst simultaneously indicating that the full extent of those powers may never be needed. This inconsistency has made meaningful voluntary negotiations difficult. The Heads of Terms presented to date do not provide a coherent reflection of either the powers sought through the DCO or the Applicant's own descriptions of how the Development is expected to be delivered. In the Owners' view, the level of design information available at this stage should be sufficient to identify a more clearly defined and proportionate suite of rights.

The Owners are also concerned by the inconsistency between the Applicant's approach to assessment and its approach to negotiations. The Applicant relies upon a reasonable worst-case scenario in support of its environmental assessments, land requirements and compulsory acquisition case. However, during negotiations the Owners have repeatedly been advised that substantially less land and fewer rights are likely to be required in practice. The Owners are therefore being asked to negotiate on the assumption that the worst-case scenario will not occur, whilst the Applicant continues to seek powers and secure consent on the basis that it could.

The Owners are further concerned that the Applicant's assessment of private loss appears to focus primarily upon the eventual exercise of compulsory powers. However, the grant of extensive compulsory acquisition and temporary possession powers over almost 20% of

Manor Farm would itself have immediate consequences for the holding. The existence of those powers creates uncertainty regarding future investment, business planning, environmental schemes, tenancy arrangements, succession planning and the wider management of the farming business. Those impacts arise from the existence of the powers themselves and not merely from their future exercise.

These concerns are reinforced by the Examining Authority's own question CA1.1, which seeks confirmation that all land within the Order Limits is required for the construction, operation or maintenance of the Development and that the Order Limits are tightly drawn and contain no more land than is necessary. The Owners remain concerned that the Applicant has not satisfactorily explained why the extensive powers sought over almost 20% of Manor Farm are required, particularly when it continues to indicate during negotiations that substantially less land and fewer rights may ultimately be needed.

The Applicant's response does not identify any meaningful reduction in land take, rights sought or scheme design arising from engagement with the Owners. The Owners therefore remain of the view that the Applicant has not demonstrated that the powers sought over parcels 05-043 and 06-001 to 06-006 are proportionate, represent the minimum interference with private rights, or are supported by a compelling case in the public interest.

#### **Response to ExA Question CA1.31**

Manor Farm extends to approximately 415 acres and operates as a single integrated agricultural business. The holding is managed through an arable and grass rotational system which supports the wider farming operations including a sheep enterprise. The role and importance of individual fields cannot therefore be assessed solely by reference to their current year's use.

The land affected by the proposed cable route corridor and associated powers comprises almost 20% of the total farmed area. In addition, the affected parcels occupy a strategically important position within the holding between the Rodbourne and Hullavington elements of the scheme. Consequently, the potential impacts of the Development extend beyond the acreage directly affected and include implications for field access, machinery movements, crop rotations, environmental scheme delivery and the wider operation of the farming business.

The Owners are particularly concerned regarding the potential impact on existing agricultural drainage infrastructure. The affected land is dependent upon field drainage systems which support agricultural productivity across the holding. Disturbance to drainage systems during construction, together with soil compaction arising from construction traffic, compounds and working areas, has the potential to affect not only the land directly occupied by the works but also adjoining areas. Such impacts may not become apparent immediately and may persist long after construction has been completed.

A further difficulty in assessing the overall impact arises from the continuing uncertainty surrounding the Development. The final location of the cable route, construction compounds, access arrangements, construction logistics and duration of occupation remain uncertain. This uncertainty is compounded by the fact that the Applicant seeks extensive powers on a worst-case basis whilst repeatedly indicating during negotiations that substantially less land and fewer rights are likely to be required in practice.

The Owners have engaged constructively with the Applicant throughout the pre-application and examination process and have participated in numerous meetings, discussions and exchanges of correspondence regarding both the proposed rights and potential voluntary agreements. Negotiations remain ongoing and the Owners remain willing to continue engaging with the Applicant.

However, meaningful progress has been hindered by the continuing disconnect between the extensive powers sought through the DCO and the Applicant's repeated assertions during negotiations that substantially less land and fewer rights are likely to be required in practice. Despite extensive engagement, no meaningful reduction in the extent of land affected or the powers sought has been achieved.

The principal impact on Manor Farm is therefore not limited to the temporary or permanent loss of land. It also arises from the uncertainty created across the wider farming business by extensive compulsory acquisition and temporary possession powers being sought over a significant and strategically important part of the holding without sufficient certainty as to how those powers will ultimately be exercised in the short, medium or longer term. This uncertainty affects business planning decisions now, including decisions relating to future investment, environmental schemes, infrastructure improvements and the wider management of the holding.

The Owners therefore remain concerned that the impacts on the farming business as a whole have not been fully assessed and that the current extent of powers sought exceeds that which has been demonstrated to be reasonably necessary.