

**Relevant Representation  
of West Suffolk Council  
Sunnica Energy Farm  
(EN010106)**

**17 March 2022**

## **Relevant Representation of West Suffolk Council under section 56 of the Planning Act 2008 in respect of the Sunnica Energy Farm application**

### 1 Introduction

- 1.1 Throughout the pre-submission period West Suffolk Council (WSC), has worked closely with the other host authorities: Suffolk County Council (SCC), East Cambridgeshire District Council (ECDC) and Cambridgeshire County Council (CCC). The four local authorities have submitted joint responses to the applicant's non-statutory and statutory consultations. To simplify matters for the Examining Authority (ExA) and all parties, the four local authorities intend to submit a joint Local Impact Report (LIR) when requested to do so by the ExA during the examination.
- 1.2 As stated by SCC in its Relevant Representation, the four authorities have committed to working together during the course of the examination, with each local authority taking the lead in topics which relate to their function and expertise in their geographical areas. WSC do, however, reserve the right to express views individually where considered necessary, and have done so with regards to Transport and Access and the safety of the Battery Energy Storage Systems (BESS).
- 1.3 This Relevant Representation is submitted by WSC on an individual basis to ensure that the ExA is fully informed of the matters of concern to those authorities and the communities and interests that they represent. This representation has been approved by WSC's cabinet.

### 2 Summary

#### Overall position

- 2.1 WSC recognises the national benefit of a renewable energy project of this nature and in general has adopted a policy of being supportive in principle to renewable and low-carbon energy generation schemes. In September 2019, WSC declared a climate emergency and established an Environment and Climate Change Taskforce that developed an Action Plan to drive forward the Council's ambition to reach Net Zero by 2030 and to maximise its role in protecting and enhancing the environment, both in the way in which it carries out its operations and through specific initiatives. Specifically in regard to solar, WSC operates its Solar for Business initiative <sup>[1]</sup> and its own 12.4MW solar farm at Toggam Farm in Lakenheath, as part of the Council's investment program whereby profits derived from the solar farm directly subsidise the cost of delivering local service to local people (it should be noted that this solar farm development does not include any battery storage).

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[1] [Solar for Business \(westsuffolk.gov.uk\)](https://www.westsuffolk.gov.uk)

- 2.2 WSC has a number of very significant concerns regarding the proposal and will use this submission to highlight the key areas of concern where outstanding questions have not been answered by the applicant to date during this process. We are unable to assess the acceptability of the proposals including any appropriate mitigation and compensation as there is insufficient information to establish whether the scheme's impacts can in be mitigated. WSC suggest that a date should not be set for a Preliminary Meeting until agreement has been reached between the applicant and the local authorities as to how the evidential issues will be addressed.
- 2.3 WSC does not support the proposal as it stands and considers that development consent should not be granted for the proposal as submitted.
- 2.4 WSC has significant concerns regarding the scale of the proposal as submitted and the resulting impacts, which will be fully explored in the LIR.

### Key concerns

- 2.5 Key concerns remain -in relation to the likely environmental impacts, the quality of assessments of these impacts and the lack of mitigation in a number of topic areas:

2.6 Landscape and Visual Amenity

The scale, longevity and geographical distribution of the proposed development are likely to result in significant adverse impacts as a result of intra-cumulative and accumulated effects. We are concerned that, due to the way evidence is presented, and cumulative impacts are considered, the ES assessment tends to under-estimate impacts. Mitigation proposals are not sufficiently tailored across a variety of landscape character types and are not ambitious enough to sufficiently deal with the degree of harm caused by the project.

2.7 Ecology and Nature Conservation

For this type of project it should be possible for the applicant to avoid the most sensitive habitats, deliver appropriate mitigation and compensation as well as ecological enhancements. However, the success of any proposed measures is highly dependent on future management and monitoring. The current assessment and proposals including the 'Framework LEMP' and 'Offsetting Habitat Provision for Stone Curlew Specification' lack the detail required to demonstrate that the mitigation hierarchy has been appropriately applied and to give confidence that the overall residual impacts, taking into account future maintenance, will be beneficial for biodiversity across the extent of the application site and in line with the principle of biodiversity net gain.

2.8 Transport and Access

The submitted material is not considered to be acceptable by SCC as local highway authority and there are deficiencies in the highway-related provisions in the draft DCO. WSC supports this view and is very concerned by the lack of details provided in respect of the site accesses and street works proposed to facilitate the development. The impact of the proposals on non-motorised

users and users of the public rights of way network has been significantly underplayed and no significant sustainable travel measures have been included, either for construction traffic or for the benefit of all road users.

## 2.9 Community Impacts

A project of the scale and nature proposed will radically change the sense of place, the place attachment of the residents, and the recreational amenities of the affected villages and communities, over a long period of time. The ES does not recognise this, and the corresponding need to mitigate/compensate for these impacts.

## Policy Framework

2.10 WSC agrees with the applicant's planning statement (see 1.4.4 – 1.4.5 of [APP-261]) that National Policy Statement EN-3<sup>1</sup> does not 'have effect' for the purposes of S104 of the Planning act 2008, and that therefore it is appropriate for the application to be decided under S105, unless at some point during the examination the draft EN-3<sup>2</sup> is designated.

2.11 In WSC's view, both the current and draft National Policy Statements are likely to be 'important and relevant' for the purposes of S105(2). As the draft EN-3 contains a technology-specific policy relating to large-scale solar development we think it is clearly more relevant in this case than the currently designated EN-3, notwithstanding that it is yet to be designated.

2.12 Given the possibility that draft EN-3 may be designated before either the conclusion of the examination, or the grant of consent, we consider that it is essential that the applicant addresses points raised by draft EN-3 but not covered in their planning statement such as:

- Providing the site capacity on the basis of the AC capacity of inverters as per 2.48.7 of draft EN-3. We consider that the capacity of the project (including the battery energy storage systems (BESS)) would be useful for the decision-maker in contextualising the benefits of the project and weighing them against adverse impacts.
- Justifying the proposed lifetime of the consent with reference to 2.49.9 – 2.49.13. While this is not a determinative policy test, it is clearly relevant to the evaluation of landscape and other impacts against benefits.
- Making clear, given the length of the consent over the typical 25 years envisioned by draft EN-3, whether there will be a substantial replacement of solar array equipment during the operational phase.

## 3 Cultural Heritage

3.1 WSC agree in principle to the methodology used for assessing the impact of development on built heritage.

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<sup>1</sup> [1940-nps-renewable-energy-en3.pdf \(publishing.service.gov.uk\)](#)

<sup>2</sup> [Draft National Policy Statement for Renewable Energy Infrastructure \(EN-3\) \(publishing.service.gov.uk\)](#)

- 3.2 In terms of the baseline data, the Cultural Heritage Chapter of the Environmental Statement [APP-039] refers to the assessment of the impacts of the proposal on non-designated heritage assets, including historic buildings, but only appears to group them in with designated assets as part of a group. Section 7.6 and 7.7 deals with the impacts on non-designated heritage assets but appears to be heavily focussed on archaeology and does not mention any historic building non-designated heritage assets outside the conservation areas. Figure 7-1 [APP-179] is labelled as Designated and Non-Designated Heritage Assets but only shows listed buildings and does not show any non-designated heritage assets which are historic buildings. It may be that there are none within the study area, but this should be addressed in the Environmental Statement to show that they have been taken into account in the impact assessment.
- 3.3 A point of correction is required at 7.5.12 as the Freckenham Conservation Area is a single entity and not two separate parts as suggested by this paragraph.
- 3.4 There are small work areas included within the Order limits central to the Freckenham and Exning Conservation Areas [APP-007]. The description of the works as set out in the draft Development Consent Order [APP-019] is insufficiently detailed in order for an assessment to be made as to whether the proposals will affect the character and appearance of the conservation areas and the setting of listed buildings. This must be addressed by the applicant.

## 4 Ecology and Nature Conservation

### The assessment of effects

- 4.1 The Ecology and Nature Conservation chapter of the Environmental Statement [APP-040] is still lacking important detail. Specifically, inadequate characterisation of impacts and unjustified exclusion of ecological features from detailed assessment. The detailed assessment fails to address all potential impacts and relies heavily on the Framework Construction Environmental Management Plan (CEMP) [APP-123], the Framework Landscape and Ecology Management Plan (LEMP) [APP-108] and the Framework Operational Management Plan (OMP) [APP-126] for mitigation, which in themselves remain lacking in detail and do not commit sufficiently to the measures that are being relied upon. The section on cumulative effects is lacking in detail.

### The mitigation hierarchy

- 4.2 There has been insufficient adherence to the Mitigation Hierarchy, including the avoidance of impacts on important habitats and species. Some additional amendments to the design are required to further avoid or reduce impacts on important habitats and species, and to adequately mitigate or compensate where impacts are un-avoidable.

### The mitigation proposals and biodiversity net gain (BNG)

- 4.3 Habitat creation proposals are lacking in detail, including how they link to form a coherent nature network and their long-term management regimes. Whilst the Biodiversity Net Gain Assessment [[APP-259](#)] provides some quantitative information on habitats to be provided, it remains the case that the detail including the location/distribution of many habitat creation proposals is not certain.
- 4.4 Opportunities exist to provide enhancements and benefits, should the scheme be delivered, however these do not appear to have been fully explored beyond what is required to mitigate significant effects. In general, the proposals lack ambition.
- 4.5 The Biodiversity Net Gain Assessment (BNG) appears to indicate a considerable biodiversity net gain for 'area' habitats and 'hedgerows', but 'no net loss' for 'river' habitats. There are, however, inconsistencies in the reporting and insufficient detail to give confidence. Further supporting information regarding the specifics of how BNG will be achieved is required, including the full calculation spreadsheet, and supporting plans.
- 4.6 The applicant will need to demonstrate that a net gain is achieved through benefits delivered in addition to mitigation and compensation measures for protected species.
- 4.7 Given the extent of the Sunnica site, it would be more appropriate to demonstrate that BNG can be achieved for each of the main components of the scheme.
- 4.8 Monitoring will be essential to inform adaptive habitat management throughout the lifetime of the project. Given the extent of this project and the sensitivity of some aspects, monitoring for a 10-year period does not appear to be proportionate.

#### Habitats Regulations Assessment

- 4.9 The Habitats Regulations Assessment (HRA) [[APP-092](#)] screens in the potential for likely significant effects on Breckland Special Protection Area (SPA). The subsequent Appropriate Assessment takes into account proposed mitigation which includes off setting land for nesting and foraging Stone Curlew, and the timing of maintenance to panels within 500m of the off-setting land. However, there is a lack of evidence in the public domain to ascertain whether stone curlew avoid nesting or foraging near solar panels.
- 4.10 It will be important to consider whether the offsetting proposals meet the criteria set out in Natural England's advice note 'Sourcing and managing mitigation land'<sup>3</sup> and that there is certainty over the timely delivery and

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<sup>3</sup> [DC 21 0115 FUL-NATURAL ENGLAND - CONSULTEE COMMENT-1931735.pdf \(westsuffolk.gov.uk\)](#)

effectiveness of the measures proposed such that they can properly be described as mitigation. It will also be important to consider whether there are measures in reserve that could be implemented if monitoring shows that the proposed measures are not effective to avoid any residual effects and the consequent accumulation of non-significant adverse effects with the cumulative schemes.

### Decommissioning

- 4.11 There is a lack of information on the long-term survival (i.e. beyond 40 years) of the newly created habitats. The end of the project and the extent to which the site will return to its original state, is very much a crucial part of the decision-making process (as suggested in the Draft National Policy Statement for Renewable Energy Infrastructure<sup>4</sup> (EN-3), and not something that should be left out of the assessment or avoided through discharging the responsibility back to the individual landowner. It is very possible that long-term, there will be a net loss to biodiversity, which would affect large areas of Suffolk (and Cambridgeshire). If this is a possibility, then it needs to be fully considered in the decision-making process.

### What is required going forward

- 4.12 WSC will expect, as a minimum, for the applicant to make additional amendments to the design to further avoid or reduce impacts on important habitats and species, and to adequately mitigate or compensate where impacts are un-avoidable. The applicant should also be prepared to work up future management prescriptions and monitoring of the habitat creation to provide clarity and real benefits to biodiversity.

## 5 Landscape and Visual Amenity

### Scale and extent of the project

- 5.1 In landscape terms Sunnica is set apart from other consented solar developments, including other NSIPs, by its scale and extent, as it consists of four sites which are connected by cable corridors (982ha in total excluding cable routes). These factors lead to significant landscape and visual issues.
- 5.2 Rather than being perceived as a solar development occupying an area of land within a wider landscape, Sunnica has the potential to dominate and transform the local landscape, to alter it beyond recognition, and thus to create a new landscape altogether.
- 5.3 Parts of Sunnica East A, all of Sunnica East B and some cable routes, are located in West Suffolk.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1015236/en-3-draft-for-consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015236/en-3-draft-for-consultation.pdf)

### The impacts on character, amenity, and sense of place

- 5.4 The fragmented layout of the proposals, located amidst and around several settlements, has the potential to impact on local character to such an extent as to negatively affect the sense of place, and the place attachment of the residents, of the affected villages and communities. Many residents will experience the adverse visual effects of various elements of the solar farm, as part of their daily routines. This includes, not only the panels themselves but also the battery storage compounds and general security infrastructure such as fencing and lighting, as well as access roads, which will not be assimilated into the surroundings.
- 5.5 This is likely to adversely affect their quality of life, contrary to the Design Principles of the National Infrastructure Commission<sup>5</sup>.
- 5.6 The intra- and inter-cumulative, and sequential effects, on landscape character and on recreational and transport users of highways, Public Rights of Way and cycle routes will need to be fully explored and minimised.

### Assessment of adverse impacts

- 5.7 There remain concerns about the legibility and presentation of the landscape and visual impact assessment including the visualisations.
- 5.8 Elements of the scheme, such as road improvements, have not been included in the Landscape and Visual Impact Assessment (LVIA) [[APP-042](#)] and could potentially result in adverse effects such as urbanisation and loss of vegetation in the rural landscape.
- 5.9 The lack of detail (for example, incomplete information on the sites landscape features that are being relied on, the quantification of vegetation losses and the consideration of required visibility splays at access points and their impact on roadside trees and hedges) does not promote a full and clear understanding of the landscape and visual effects of the proposals.
- 5.10 In-combination effects with other projects and proposals do not appear to have been adequately considered, for example it is not clear why some cumulative schemes have been omitted from assessment at stage 3 & 4 in ES section 10.11.

### The accumulation of adverse impacts

- 5.11 Given the scale of the proposal, and the consequent accumulation of non-significant adverse effects, it will be essential to address and minimise these as far as possible, as in combination non-significant, repeated, or sequential, visual effects will become significant.

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<sup>5</sup> <https://nic.org.uk/app/uploads/NIC-Design-Principles.pdf>



### The duration of adverse impacts

- 5.12 While the adverse visual effects on communities may be justifiable in the short term to address the current climate change crisis, this is not justifiable in the longer term, beyond the initial lifespan of the PV panels (approx. 25 years), without a thorough review of the project. WSC considers that the proposed lifespan of the project, of 40 years, and the consequent accumulation of adverse effects, is not reasonable and appropriate, notwithstanding the need to deliver Net Zero by 2050, and decarbonise the Grid by 2035<sup>6</sup>.

### The mitigation proposals

- 5.13 The aim for landscape design and mitigation should be to retain the legibility and character of the landscape and, ideally, to reduce the visual effects to zero, where possible, as suggested at paragraph 2.51.2 the Draft National Policy Statement for Renewable Energy Infrastructure<sup>7</sup> (EN-3), especially for visual receptors, at the edges of settlements- and along routes connecting settlements.
- 5.14 As the mitigation must be appropriate to the local landscape character, it may not be possible to screen the solar panels from all visual receptors. For these areas, positive place making is required and the applicant needs to provide innovative design solutions, which demonstrate that, although the panel arrays may be visible, they sit well within the landscape, are not dominant or too prominent, and do not detract significantly from it. We consider that additional tree and hedgerow planting, including along some internal field boundaries, will be required to break up and soften views across large extents of solar panels in a number of locations.
- 5.15 The requirements to make the proposals acceptable in landscape terms, will need to be integrated with the requirements to also mitigate for ecology, cultural heritage, and public access impacts.
- 5.16 The network of existing environmental features should be retained and enhanced as part of the vision in the Landscape and Ecological Management Plan (LEMP) [APP-108], along with new features that are required and proposed by that plan. Together these will form the framework in which the development will sit.
- 5.17 However, a key component in the success or otherwise of the project's Green Infrastructure (GI) will be effective management, in the short and long term, and this should be part of the LEMP vision.

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<sup>6</sup> <https://www.gov.uk/government/news/plans-unveiled-to-decarbonise-uk-power-system-by-2035>

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1015236/en-3-draft-for-consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015236/en-3-draft-for-consultation.pdf)

- 5.18 If the intention is for the proposed GI is to reflect the surrounding landscape character and context, this should also be part of the overall LEMP vision.
- 5.19 Landscape proposals should be tailored to the location and conditions of each site, noting that these change across the DCO site. Therefore, specific management prescriptions will be required. The current proposals (including detail in the Framework LEMP) do not necessarily facilitate this approach.
- 5.20 WSC is continuing to review the documents submitted and will provide detailed comments in the LIR.

#### What is required going forward

- 5.21 Notwithstanding the overall concerns about the scale and duration of the development, WSC expects the applicant, as a minimum, to address the main areas of concern as expressed and work with the local authorities to reduce the impacts on the character of the landscape and on the most sensitive receptors by redesigning elements of the scheme.

## 6 Noise and vibration

- 6.1 In the main, WSC accept the methodology and references to legislation, current guidance and British Standards used in the submission documents, to quantify construction and operational noise. However, there are several observations from the perspective of the West Suffolk Private Sector Housing and Environmental Health (PSH&EH) team.

#### Statutory Nuisance Statement [[APP-266](#)]

- 6.2 Section 158 of the Planning Act 2008 advises that in developments of this size the statutory authority for carrying out a development provides a defence in any civil or criminal proceedings for nuisance under Part III of the Environmental Protection Act 1990 i.e. the nuisance was the inevitable consequence of the development that has been authorised.
- 6.3 This is termed the statutory authority defence but only applies to actions that are a nuisance and not those determined to be prejudicial to health.
- 6.4 Although statutory noise nuisance does not provide for a maximum level of noise to be attained, the spirit of the legislation is the prevention of an unreasonable and substantial interference to a person's quality of life. This is the threshold at which a nuisance is assessed. It is very important that possible sources of nuisance under section 79(1) of the 1990 Act, and how they may be mitigated or limited, are considered so that appropriate requirements can be included in any subsequent order granting development consent. However, it is WSC's view that the submission lacks detail in the assessment of adverse amenity impacts. Although the submission does identify potential adverse effects on noise sensitive receptors at all stages of the development, relying simply on fixed limits by the use of NOAEL, LOAEL and SOAEL can underestimate the impact on receptors especially as the mitigation available relies on this assessment.

### Appendix 11C Baseline Noise Survey [[APP-111](#)]

- 6.5 It is noted that for the monitoring surveys several of the sites chosen were immediately adjacent to roads. Practical considerations may have required this, but it is expected that ambient and background noise levels at domestic properties in many of the villages, particularly properties sited away from roadsides or screened by buildings, to be lower.
- 6.6 The development sites are positioned in isolated fields often some distance from roads, with construction plant and operational plant potentially having a line of sight to rural dwellings with no intervening existing noise sources, particularly at night. It is noted that  $L_{90}$  levels at six of the long-term monitoring sites is measured to be 40 dB(A) or higher at night, with only five sites showing a  $L_{90}$  of below 40 dB(A). The lowest measured ambient level during the daytime is 49dB(A), with the highest four ambient levels being shown at roadside monitoring positions. It will be important to have regard to the rural nature of many of the dwellings in this locality which are not adjacent to roads leading into or out of villages (therefore experiencing lower ambient levels) and to fully consider the adequate protection of their external amenity areas during construction phases.
- 6.7 In addition, there are residential properties that have not been assessed for background and ambient levels which are likely to be particularly affected. Property at Lee Farm is encircled by Sunnica East A and Bridge End Road, Red Lodge is close to the proposed staff car park, construction compound, HGV access and BESS at Sunnica East B.
- 6.8 The determination of LOAEL and SOAEL levels for vibration impacts is accepted but the information provided with respect to human responses to vibration is insufficient. The human response to vibration is very sensitive and concerns are often raised by those affected. It is recommended that monitoring procedures be adopted within the detailed CEMPs [[APP-123](#)] (and any Control of Pollution Act 1974 s.61 "Prior consent for work on construction sites" application), and that vibration monitors are also installed at key sites during specific periods, to enable reassurance to be provided to residents and the Local Authority that guideline limits are being met.

### Appendix 11D Construction Noise Modelling [[APP-112](#)] and Appendix 11E Operation Noise Modelling [[APP-113](#)]

- 6.9 Insufficient data is provided regarding the sound levels of the proposed inverters, transformers, and battery units. Clarification is required on sound power of the transformers and whether the noise levels being quoted are for externally sited transformers or internal ones housed in solar stations with associated cooling units.
- 6.10 Low frequency hum from any of the proposed fixed plant should be considered. No data has been supplied to provide confidence that low frequency hum will not be an issue at any residential properties in the West Suffolk area, considering potential maximum loading scenarios and environmental conditions (wind direction, temperature inversions etc) and the

number and type of proposed inverters, transformers, and battery units that will be stationed at each of the proposed sites.

- 6.11 The assumptions made for the generation of the construction and operational noise models require further exploration and assessment. Plant items were modelled as point sources at a standard height of 1m above ground levels. Some of the fixed plant will be 3.5 m high with the battery storage containers 6m high. The proposals suggest that such items of plant will be grouped together and therefore confirmation that the cumulative effects of the equipment, in addition to increased height, will not affect the modelling results is required. Receptor points were set at 1m above ground, but night-time receptor points would be bedrooms at 4.5m high, so account should be taken of this issue in modelling scenarios.
- 6.12 Clarification is also required that noise modelling at the construction stage has taken into account the combined effects of both construction traffic and plant noise where these sources are co-located.

#### Appendix 16C: Framework Construction Environmental Management Plan [[APP-123](#)]

- 6.13 Hours of work during construction phases are proposed to be between 0700 -1900 Mon-Sat. Construction hours on development sites are restricted in West Suffolk to between 0800 and 1800 Mon-Fri, 0800 and 1300 Sat and at no time on Sundays, Bank Holidays or Public Holidays. Where extensions to these hours have been agreed, it has been only in cases where adverse noise impacts could be appropriately controlled outside of the normal working hours. WSC would not support any proposal to conduct construction works outside the core working hours traditionally imposed by WSC and supported by current development plan policies, or on Sundays, Bank Holidays or Public Holidays. Any exceptions to the above (for example, for exceptional deliveries, large vehicle movements planned to avoid traffic etc.) would need to be accompanied by specific noise mitigation measures that should be set out in the CEMP together with justification of why the activity needs to be undertaken outside the agreed working hours.
- 6.14 It will be necessary for the continual assessment of impact on the amenity of residents, for onsite monitoring to continue for the duration of activity on the site and for construction methods and practices to be continually monitored and adjusted to mitigate adverse effects where an unforeseen or previously underestimated impact is found to occur during construction or operation.
- 6.15 There appears to be contradictory information regarding the burning of waste on site. Confirmation will be required that there will be no burning of waste during any phase of the development.
- 6.16 The general information provided in the CEMP with respect to noise and dust controls is broadly acceptable, subject to the matters raised previously in this document.
- 6.17 It is likely the DCO will contain a requirement that "exempts" the developer from action under Section 79 of the Environmental Protection Act 1990 (Statutory Nuisance), as is usual in these cases. However, due to the nature,

size and duration of this development it is likely to cause complaint and there is an expectation that there will be cooperation with WSC's PSH&EH Team in finding a resolution where complaints are received and found to have merit. We will be seeking an assurance within the relevant documents to this effect and that a robust complaint management procedure is developed to support it.

## 7 Socio-Economics and Land Use

### Agricultural land and soils

- 7.1 Notwithstanding the fact that the draft EN-3<sup>8</sup> has not yet been designated, it clearly sets out sequentially preferable sites for the location of ground mounted solar PV projects, stating that previously developed land, brownfield land, contaminated land and industrial land should be considered ahead of agricultural land, preferably of classification 3b, 4 and 5 (2.48.13).
- 7.2 The Agricultural Land Classification data presented with the application seeks to establish that the majority of the site does not constitute 'best and most versatile' agricultural land, i.e. grades 1, 2 and 3a. The Council is aware of concerns within the community as to the reliability of the soil survey data and that access cannot be obtained to the land to verify the findings. The Examining Authority's attention is therefore drawn to this point and as such this matter may require further scrutiny.
- 7.3 While it is recognised that draft EN-3 also states that 'land type should not be a predominating factor in determining the suitability of the site location', WSC remains concerned that the proposal will result in the loss of a significant amount (approximately 886 hectares) of grade 3b and 4 land (table 5-2 [[APP-114](#)]). As detailed in the Soils and Agriculture Baseline Report, this land is highly productive farmland and its loss to agriculture will directly impact the ability of the region to be self-sufficient in relation to food production. Until such time as the strategic question of whether large areas of productive agricultural land should be used for solar power generation, as opposed to focussing solar generation on rooftops and previously developed land, then this point remains open to debate.
- 7.4 The applicant has failed to assess the soils and agricultural land quality of the cable route, in direct contravention of draft EN-3, which states that soil surveys should be extended to the underground cabling and access routes (2.48.14). Notwithstanding the applicant's position that the installation of the cable route will not affect the quality or future use of the agricultural land it travels through, consideration should be given to the methods employed to carry out this element of the development. The disturbance of the topsoil and subsoil can have a lasting impact on the quality of the soil and the retention of water and this should be taken into account.

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<sup>8</sup> [Draft National Policy Statement for Renewable Energy Infrastructure \(EN-3\) \(publishing.service.gov.uk\)](#)

### Existing local plan allocations

- 7.5 In respect of current local plan allocations in the West Suffolk area, it is accepted that no allocations fall within the Order limits, and three allocations in the former Forest Heath area SALP lie within 1km of the Order limits (Table 12-19).
- 7.6 Table 2-3 in the Planning Statement Part 1 [[APP-261](#)] lists the relevant adopted local development plan allocations and safeguarded areas within and close to the Order limits. Allocation SA10(a) Land north of Acorn Way (referred to in Chapter 12 Socio-Economics and Land Use, Table 12-19) is omitted from table 2-3, which is assumed to be an error that needs rectifying as the site falls within 1km of the Order limits.

### Emerging local plan

- 7.7 The employment site (ref WSE04) included in the West Suffolk Regulation 18 Issues and Options local plan<sup>9</sup> is noted in table 2-3 of the Planning Statement [[APP-261](#)] as a safeguarded area close to the Order limits. This site lies directly to the southeast of Sunnica East Site B and it is therefore requested that ongoing dialogue is maintained on the basis this site is a potential area of employment for consideration through the preparation of the West Suffolk local plan.
- 7.8 The joint statutory consultation response prepared by the four host authorities (December 2020)<sup>10</sup> raised concerns that insufficient consideration had been given to West Suffolk's longer term growth aspirations. Part One of the Planning Statement [[APP-261](#)] refers to a number of potential future schemes at paragraph 2.6.15. Paragraph 2.6.16 of the Statement goes on to state the following in respect of the schemes listed:

*"The Applicant has not identified any allocation or safeguarded land within an adopted Development Plan document, nor any development consent order or planning application/permission either granted in progress for any of the above schemes. As such, it is considered that these are at too early a stage to be relevant to the decision on this Application and are therefore not considered further by this Planning Statement."*

- 7.9 The schemes identified in the planning statement that are deemed too early in the development stage to be relevant to this application may be progressed by the council, neighbouring authorities and statutory stakeholders in due course. As such the schemes should be given sufficient weight in the assessment of this application as it progresses through examination by maintaining an open dialogue with key parties, ensuring projects required to support future growth in the district and the surrounding area are not compromised. WSC would also need to be confident that neighbouring authorities, Highways Agency and SCC and other infrastructure providers were content that the application and Order limits have no impact on future planned projects/schemes in the district.

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<sup>9</sup> [West Suffolk Local Plan Review](#)

<sup>10</sup> [Sunnica Statutory Consultation Response.pdf \(westsuffolk.gov.uk\)](#)

- 7.10 The timeline for the publication of the West Suffolk local plan has been reviewed and a revised local development scheme (LDS) published in January 2022. This indicates a preferred options local plan consultation from May-July 2022<sup>11</sup>.
- 7.11 Providing for the future housing and employment requirements of the area through local plan preparation is the cornerstone of the government's plan-led system and is vital to support local communities and deliver growth. The time taken to progress plans, and the projects within them, can be lengthy and require extensive joined up working. It is considered that overall there remains a lack of recognition in the ES of the importance of emerging local plans and projects and how potential impacts may be mitigated. This should be rectified by ensuring continuous and open dialogue with WSC and its key partners through the Examination process.

#### Outline Skills, Supply Chain and Employment Plan [APP-268]

- 7.12 WSC note that the project will take 24 months to construct and whilst it will offer short term employment (mainly for electrical engineers and solar panel assemblers) it is only for two years. The level of employment maintained once the project is completed drops significantly to 17 permanent staff on site at any one time; this is based on a 3-shift daily pattern. There is not a sizeable gain in permanent employment numbers generated by this scheme, particularly, when the area of coverage is taken into account, though investment in employment opportunities and green energy is welcomed.
- 7.13
- WSC also welcomes the engagement of the applicant in achieving the 7 skills opportunities highlighted in the Outline Skills, Supply Chain and Employment Plan (section 5.2), though WSC would expect that a project of this scale and investment looks to address these opportunities as a matter of course. The applicants need to demonstrate how they will deliver the outputs associated with these opportunities and WSC expects to see a means of monitoring the outputs accordingly.
- 7.14 As highlighted above, WSC considers that the scale and size of the scheme is likely to impact upon the natural beauty of the area, which in turn may have some negative influence on tourism and visitor numbers. However, there is also the opportunity to promote this scheme in support of the Climate Emergency and Greenest County work that remains ongoing. The area largely falls within the geography of the Cambridge Norwich Tech Corridor (CNTC) and whilst there is the possibility the development may adversely impact tourism, there may also be the potential to gain positive coverage which supports the green and tech branding work of the CNTC, potentially encouraging new employment to the area. The applicant has failed to address the impact on the CNTC and further information on is therefore requested by WSC. Section 15 of this submission addresses impacts on the horse racing industry in relation to employment and tourism.

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<sup>11</sup> [West Suffolk Council Local Development Scheme January 2022 - West Suffolk Local Plan new programme](#)

## 8 Transport and Access

- 8.1 WSC consider that the proposals in relation to transport and access are inadequate in a number of ways. In particular, WSC are aware that SCC, as local highway authority, have significant concerns regarding the methodologies for the Transport Assessment [APP-117] and the ES assessment of Transport and Access impacts [APP-045].
- 8.2 WSC is continuing to review the Works Plans [APP-007], Access and Rights of Way Plans [APP-008] and The Traffic Regulation Measures Plans [APP-009, APP-010, APP-011, APP-012 and APP-013] and will provide detailed comments in the LIR. However, WSC note that there is a significant lack of detail as to the nature of the works to be carried out to the highway for the purposes of facilitating access and the passage of abnormal indivisible loads. Further information is required in order to fully assess the impact of all street works on other road users and in relation to matters such as trees and hedgerows.
- 8.3 Significant concerns remain as to the suitability of narrow rural lanes for construction traffic, with numerous sharp bends and junctions known to have poor safety records to be navigated by construction workers and HGV traffic. Even with the proposed street works WSC remains unconvinced that several lanes and junctions will be able to accommodate the traffic likely to be generated by the development. In particular WSC is concerned that the junction of Freckenham Road and Newmarket Road cannot be made suitable for HGV/crane use. Similarly, Elms Road is inherently unsuitable for the volume and type of traffic that will be using it and it is unclear whether the Isleham Road/Beck Road bridge can be made safe for use by large/heavy vehicles.
- 8.4 WSC is also particularly concerned regarding the impact of the proposal on street U6006. It is unclear how this 'green route' will be protected for the duration of construction and for the lifetime of the development. Of note is the intention to create a vehicular access across a route that is predominately used by non-motorised users.
- 8.4 There is no requirement within the draft DCO requiring approval of highways works by SCC and therefore no control on the detailed design of the accesses.
- 8.5 Protective provisions, similar to those included in the DCO for other statutory undertakers, are necessary to allow SCC as local highway authority (and in its capacity as authorising authority) to discharge its responsibilities to access, inspect and maintain the public highway within the order limits.

## 9 Air quality

- 9.1 The Air Quality chapter of the Environmental Statement [APP-046] presents the findings of an assessment of the likely impacts to local air quality. WSC has reviewed the assessment methodology and can confirm that it is appropriate. The impact of additional road traffic during the construction phase is not identified as being significant, whilst the impacts during the



operational phase have been scoped out of the assessment due to the very small number of likely vehicle movements when the proposed solar farm is operational. WSC are in agreement with these conclusions.

## 10 Human Health

- 10.1 Until such time as SCC as local highway authority has accepted the information submitted in the Transport and Access chapter of the ES [[APP-045](#)] WSC consider that the assumptions made and conclusions reached in connection with a number of areas within the Human Health chapter of the ES [[APP-047](#)] cannot be verified, in particular where the impact of construction traffic is relevant.
- 10.2 The impact of the proposal on non-motorised users results in a negative health impact on accessibility and active travel and social cohesion and lifetime neighbourhoods. WSC considers this to be unacceptable.
- 10.3 The applicant has failed to recognise the general stress and anxiety impacting on quality of life and wellbeing that will be caused from a project of this scale and nature, in close proximity to a number of communities.

## 11 Other Environmental Topics

### Appendix 16A - Glint and Glare Assessment [[APP-121](#)]

- 11.1 WSC has no expertise to comment on the content of this report. We would recommend that all parties with an interest in this impact of the proposal are consulted. This should include (but not be restricted to) the effects on aircraft, highways, railways, footpath users and recreational users of land and those premises identified as likely to be affected. In relation to effects on aircraft, the proximity of RAF Mildenhall and RAF Lakenheath should be taken into account.

### Ground conditions

- 11.2 WSC has reviewed the Ground Conditions Phase 1 Preliminary Environmental Risk Assessment report [[APP-122](#)] and considered that it is an appropriate assessment. It is noted that a DCO requirement is proposed which would require a site investigation to be undertaken at the post consent stage to provide geo-environmental data to evaluate soil and groundwater quality. We welcome this proposed further assessment.

### Major Accidents and Disasters

- 11.3 At the Scoping Opinion stage Public Health England (PHE) stated that it would expect to see information about how the promotor would respond to accidents with potential off-site emissions at construction, operation and decommissioning. The applicant makes reference in Table 16.8 [[APP-048](#)] to the Framework Construction Environmental Management Plan [[APP-123](#)], which appears to be very light on detail at the operational and decommissioning stages. With the exception of the Outline Battery Fire Safety

Management Plan [[APP-267](#)] there is no specific detail on the risks associated with major accidents and disasters, with the generic statement that 'all works will be undertaken in accordance with relevant Health and Safety Legislation and Guidance'.

## 12 Battery Fire Safety

- 12.1 The local community has raised concerns regarding the safety, in the event of a fire, of the sizable and numerous Battery Energy Storage Systems (BESS).
- 12.2 WSC are aware that SCC, in its role as Suffolk Fire and Rescue Authority (SFRA), engaged with the applicant at the pre-submission stages to explore the particular risk characteristics of a potential lithium-ion battery fire. SFRA have set out what design measures and safety processes should be in place to mitigate the risk of fire and allow the Service to effectively respond in an emergency.
- 12.3 SFRA has indicated to WSC that the Outline Battery Fire Safety Management Plan [[APP-267](#)] appears to meet the requirements outlined by SFRA during the consultation process. SCC is satisfied that, subject to the relevant control documents being secured by the draft DCO, it is unlikely that they will object to this aspect of the development on fire safety grounds.
- 12.4 Notwithstanding the above, WSC remains concerned that the lack of details contained within the application regarding the size of the BESS and the technology that will be utilised means that the impact of a battery fire cannot be fully assessed. It has been well documented that Lithium-ion battery energy storage systems are at risk of thermal runaway and that, unchecked, such an event could be catastrophic. There have been several such events across the globe and within Great Britain, with many unanswered questions as to the safety of battery energy storage systems and the measures that are required to prevent and manage a fire<sup>12</sup>. The applicant acknowledges that there is a lack of legislation and national guidance in respect of battery storage and consequently Suffolk Fire & Rescue has had to produce its own plan of mitigation, without relying on any empirical or scientific assessment. Until such time this untested technology is developed further and appropriate guidance and legislation is put in place, it is necessary to very carefully scrutinise any proposal for a BESS of the size proposed for this scheme. The application as submitted does little to dispel the local community's concerns regarding this element of the proposal and it is considered that this topic should be explored further through the examination, with further information required from the applicant as to the capacity of the BESS and the technology to be employed.
- 12.5 The Outline Battery Fire Safety Management Plan appears to include measures to contain any contaminated water from any potential firefighting. The level of detail provided is consistent with an outline plan and it is expected that further detail is secured by requirement. It should be noted that any failure of the system would primarily impact controlled waters (either surface water or the groundwater), which would be the responsibility of either the Environment

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<sup>12</sup> ([PDF](#)) [Safety of Grid Scale Lithium-ion Battery Energy Storage Systems \(researchgate.net\)](#)

Agency or the LLFA. The list of consultees within the Outline Battery Fire Safety Management Plan (section 2.4) does not include either the EA or the LLFA and WSC requests that they are added to the list of consultees.

- 12.6 SCC has stated that it does not have sufficient in-house expertise to be able to evaluate the submitted appendix on Unplanned Atmospheric Emissions from Battery Energy Storage Systems [[APP-124](#)]. Similarly, WSC is not able to comment on the effects of this occurrence at this stage, however, it remains concerned that further simulation of the likely impacts from a failure of the BESS, including potential dust and toxic clouds, and their impact on nearby communities, is required. This will be explored further in the LIR.

## 13 Fuel Consumption

- 13.1 Fuel consumption during construction will be significant with an estimated 312,500 L to be used for site construction and 37,500 L to be used for cable route construction [Chapter 3 Scheme Description, 3.6.49 [[APP-035](#)].
- 13.2 The applicant should set out an approach to reduce fuel consumption and associated emissions. Clear targets for reducing consumption and emissions should be set out and monitored, with consideration to the region's net zero goals. In addition, the applicant should provide details of arrangements for the storage of fuel and the management and containment of any fuel spillages/leaks. Details of remediation strategies should also be provided.
- 13.3 Electric and hybrid plant machinery should be the first choice, where available, and plant drivers should be trained to improve efficiency and the use of eco-modes.

## 14 Construction Standards

- 14.1 WSC does not feel that the Considerate Constructors Scheme (CCS) [[APP-123](#)] is a robust enough standard to ensure that a development of this size and national significance is appropriate for managing and reducing the environmental impacts arising – especially in relation to the fuel inputs, vehicle journeys, waste generated, and water usage.
- 14.2 Although listed as Best Practice the CCS is instead commonplace with a light touch approach to on-site environmental management. It does require monitoring of impacts, but we would expect that such a development will seek to ensure it meets environmental management best practice in terms of target setting, on site management, monitoring and reporting as well as off-site reporting to key stakeholders. In terms of demonstrating Best Practice, we would expect a stated objective to achieve an Excellent or higher CEEQUAL rating as set out in Version 6. Credits for management, resources, and transport should be targeted.
- 14.3 It is recommended that this development sets a CEEQUAL target to achieve and enhance the level of monitoring of key emissions sources during construction and works to manage and reduce these emissions to achieve the CEEQUAL standard.

## 15 Impact on the horse racing industry

- 15.1 The scheme is located within close proximity to the town of Newmarket, within the district of West Suffolk and on the border with East Cambridgeshire. Newmarket is recognised as the international home of horse racing and the industry plays a significant role in the area in terms of its economic importance (it is the largest employer and economic contributor in West Suffolk), and social and cultural influence and the character of the built and natural environment.
- 15.2 The project will impact upon the character of the built and natural environment in the vicinity of Newmarket and impact upon its reputation. The Limekilns are of international and national importance as the finest training grounds in the world due to their aspect, management, historic context and setting. They are identified in the Newmarket Neighbourhood Plan as an historic and protected view and the assessment work undertaken by the applicant disguises the destructive impact the project will have on this historic view.
- 15.3 Sunnica West A will be directly visible from the Limekilns and directly impact a view which has remained largely unchanged for 300+ years, creating an industrial background to the Limekilns setting, which will detract from the attractiveness of Newmarket as a suitable place in which to breed and train racehorses.
- 15.4 Racehorses require peace and tranquillity both in the breeding arrangements at studs and in the training of young, highly strung racehorses. Racehorses are startled by sights and this scheme presents a danger to both horses and riders as it will be seen easily from historic training grounds. Likewise, the applicant has failed to demonstrate that the project will not have a damaging and detrimental effect on tourism in Newmarket and investment in the racehorse industry.
- 15.5 The applicant has failed to conduct a detailed, genuine assessment of the impact of the proposal at the construction, operation and decommissioning stages on the horse racing industry. The impact of construction traffic in particular, in an area already subject to congestion, as well as detrimental landscape impacts remain a very serious concern to WSC. Further details on these points will be set out in the LIR.