

**SUNNICA DETAILED  
REPRESENTATION  
THE MITCHAM FAMILY**

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## 1.0 Introduction

### 1.1 Description

- 1.1.1 The Mitcham family are well-established residents of the local area, having been based in Burwell for many years. From this base, the family maintain a local in-hand farming operation and a number of business interests.
- 1.1.2 The in-hand farm, *B C Mitcham Farms (Burwell) Ltd*, operates across a significant area of East Anglia, of which 272 hectares (673 acres) of owned farmland will be impacted by Sunnica. This farmland is situated between the villages of Burwell and Fordham. Additional areas of farmland not impacted by the Sunnica scheme are not pertinent to this representation.
- 1.1.3 Included within these arable areas are a number of developed areas, including farmyards, residential dwellings and let commercial units. An estate plan is enclosed at Appendix 1.
- 1.1.4 The Mitcham family are the freehold owners of an area of land, north-west of Burwell, which forms Goosehall Solar Farm.
- 1.1.5 B C Mitcham Farms also provide contract farming services for local landowners, where they carry out agricultural operations and services across the farming calendar.
- 1.1.6 Bidwells have been instructed by the Mitcham family to act as their agent with regards to the Sunnica scheme.

### 1.2 Farming operations

- 1.2.1 The farmland operation is an arable system, which follows a typical modern combinable cropping rotation. The farmland is good quality, with majority Grade 2 and a small element of Grade 3a. The land is well suited to its current use.
- 1.2.2 A typical arable rotation followed on the land includes winter wheat, spring barley, sugar beet and additional break crops, such as field beans.
- 1.2.3 The arable enterprise is centred around Breach Farm, which is a large ringfenced block. Breach Farm has agricultural storage sheds and grain storage, meaning it is well situated to run the farming operation from.
- 1.2.4 There are a number of areas of woodland and hedgerows interspersed across the farmland. These areas provide important habitat and environmental assets.

### 1.3 Commercial and residential properties

- 1.3.1 There are a number of commercial and residential properties owned by the Mitcham family.
- 1.3.2 A large number of commercial units are situated at Fordham House. These are managed by the Mitcham family and provide key space for local businesses.
- 1.3.3 Other properties are situated across the landholdings, including Breach Cottage, which is let to a third party.

## 2.0 Sunnica Development Consent Order (DCO)

- 2.1.1 Bidwells on behalf of the Mitcham family submitted outline representations to the Examining Authority (ExA). More detailed representations are set out below. It should be noted that the Mitcham family, as is standard practice for landed families, own their landholdings through a variety of different ownership structures. At the point of initial outline objections, these were submitted separately as individual representations. The right was reserved to submit one single detailed representation, which will now be actioned. As such this detailed representation covers:

**Figure 1 – Schedule of representations**

<b>TITLE N.</b>	<b>OWNER</b>	<b>OCCUPIER</b>	<b>BOOK OF REFERENCE PLOT N.</b>	<b>REGISTRATION IDENTIFICATION</b>
<b>CB120307 - Land at Fordham House, Fordham</b>	Mitcham Contracts (Burwell) Ltd	B C Mitcham Farms	16:11, 16:13, 16:14	20031325
<b>CB329988 - Breach Farm, Burwell</b>	M R Mitcham	B C Mitcham Farms	17:03, 18:01, 18:02	20031327
<b>CB426716 - Land at Broads Road, Burwell</b> <b>CB426650 - Land lying to south of Broads Road, Burwell</b>	M J Mitcham as Trustee of the Heritage SIPP	B C Mitcham Farms	18:11, 18:09, 18:10	20031329
<b>CB429786 - Goosehall Farm, Burwell</b> <b>CB450006 - Land lying to the north of Broads Road, Burwell</b> <b>CB274581 – Land on the north-east of Little Fen Drove</b>	M R & T A Mitcham & Lonsdale Pensions Trustees	B C Mitcham Farms	19:02, 19:03, 19:04, 18:16, 18:17, 18:18	20031330
<b>CB459227 - Breach Cottage, Ness Road, Burwell</b>	B C Mitcham Farms Ltd	B C Mitcham Farms	18:01	20031334

## 3.0 Representation 1 – Scheme design

### 3.1 Cable details

- 3.1.1 There is a worrying lack of detail concerning the installation and delivery of the grid connection cable in the Design and Access Statement. The extent of this detail is copied below.

**“4.6 Grid connection cabling**

*High voltage 132kV cables are required to export the electricity produced by Sunnica East Site A, Sunnica East Site B, Sunnica West Site A, and Sunnica West Site B to the Burwell National Grid Substation Extension. The location of the grid connection works is shown as Works No. 4 of the Works Plans [EN010106/APP/2.2].*

*Joint bays will be required to join sections of cable together. The dimensions are determined by how many circuits will be in the joint bay. Joint bays will have two circuits each with up to three sets of three cables.*

*Fibre bays will be provided. The STAKKAboxTM3 system or similar will be used with an access hatch from the surface. These will be located in hard surface or at edges of fields with the final location to be determined at detailed design.”*

*“Cables will be combined either in a single trench with a maximum width of up to 3.5m and a maximum depth of 2m or in two (or more) trenches when crossing roads or other constraints with specific technical engineering challenges such as Network Rail.”*

3.1.2 This totals 184 words.

3.1.3 Whilst further detail is set out in the Design and Access Statement’s appendices, at **Table B-4 Work No. 4 Design Principles**, this is insufficiently detailed and not specific enough to the individual cable sections. For example, the maximum depth of the cable is given as 2m or up to 20m, depending on method of cable laying. The Mitcham family will have over 2,500m of cable across their properties.

**Figure 2 – Table B-4 Work No.4 Design Principles Excerpt**

<b>Grid Connection Routes A and B connecting Sites to Burwell Substation</b>	Location	The electrical cabling will be located within the limits of deviation of Work No. 4 as shown on the <b>Works Plans [EN010106/APP/2.2]</b> .
	Scale	The maximum width of the cable corridor per trench is 3.5m, except from where it meets the jointing bay. In which case the dimensions described for jointing bays apply.
	Scale	The maximum depth of cable corridor per trench is 2m BGL.
	Scale	Maximum depth of cables laid within the cable corridor using non-intrusive techniques is 20m BGL.
	Design	The cabling will consist of 33kV cables, 132kV cables, earthing cables and optical fibre cables. Trenches will house two circuits. Each circuit will consist of up to three sets of cables. Sets of cables will consist of three cables.

3.1.4 Sunnica propose to set out detailed working plans for the cable laying in due course following grant of this DCO.

3.1.5 One of the key benefits of the DCO process is that the pre-submission work, if sufficiently detailed, means the scheme is ready to implement from grant of powers. This is not the case for Sunnica’s proposal.

3.1.6 This method of working has proved entirely unsatisfactory in other DCO applications such as the A14 as it resulted in either excessive land or the wrong land being acquired.

3.1.7 The description only provides for maximum details in width and depth. It is imperative that all cables are buried well below a minimum of 1.2m depth. Any shallower than this and there is a good chance that agricultural operations, such as sub-soiling, would hit the cable, presenting a huge health and safety concern, and a potential outage of the electrical supply from the solar farms.

3.1.8 The Examining Authority will likely be aware of the issue prevalent across the fens, which being artificially drained landscapes, have a soil structure which is prone to significant erosion. In these areas pipes or cables are being brought to the surface, as the top level of soil erodes over time. This is a serious issue and presents a health and safety problem for agricultural businesses.

3.1.9 Some of the land owned by the Mitcham family at Burwell Fen is drained fenland. It is important that the landowner can have input into the design of the scheme, as they will need to farm the land in 50, 100 years.

### 3.2 Working timeline

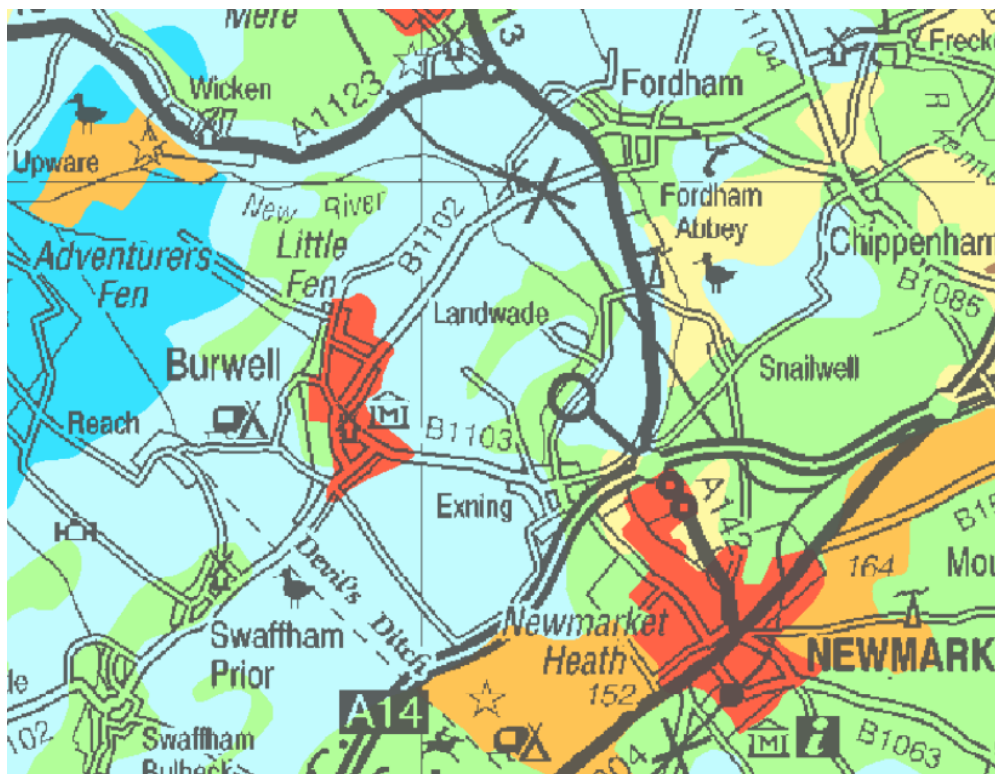
3.2.1 Sunnica proposes that the construction programme take place over two years. They anticipate the earliest start point to be summer 2023. A two-year programme would involve two winters, at least. Bidwells' experience of similar construction projects has involved significant delays, such as on the A14, where completion of the project was years delayed.

3.2.2 Thus, the Mitcham family, is currently looking at their farming enterprise being significantly impacted over the course of multiple years, for a scheme which at the moment, is vague on the relevant details.

### 3.3 Impact on farming operations

3.3.1 The arable farmland is of good quality and well suited for the production of combinable crops. This is all very good quality farmland, being some of the best in the country and an important area for food production.

**Figure 3 – Land Grade map**



3.3.2 The farming calendar is defined by a number of key events and dates. It is crucial that during these time periods essential agricultural activities are completed efficiently and effectively. An indicative calendar is included below for reference.

**Figure 4 – Farming calendar**

MONTH	ACTIVITIES
January	<ul style="list-style-type: none"> <li>● maintenance of buildings, tracks, fences, hedges and machinery</li> </ul>
February	<ul style="list-style-type: none"> <li>● Fungicide treatments applied if needed</li> <li>● fertiliser dressings applied</li> </ul>
March	<ul style="list-style-type: none"> <li>● planting of spring cereal crops</li> </ul>
April	<ul style="list-style-type: none"> <li>● continued crop planting</li> <li>● fertiliser applied to arable crops</li> </ul>
May	<ul style="list-style-type: none"> <li>● spraying arable crops for pest management</li> <li>● grass cut for hay</li> </ul>
June	<ul style="list-style-type: none"> <li>● grass cut for hay</li> </ul>
July	<ul style="list-style-type: none"> <li>● start of harvesting of winter sown arable crops</li> <li>● baling of straw begins</li> <li>● movement of crops from field to storage barns</li> </ul>
August	<ul style="list-style-type: none"> <li>● harvesting of arable crops continues</li> <li>● early cultivations for sowing of arable crops</li> <li>● straw sold to livestock farms</li> </ul>
September	<ul style="list-style-type: none"> <li>● Spreading of organic manures onto farmland to aid cultivations</li> <li>● Autumn cultivations including ploughing, seedbed preparations, liming etc</li> <li>● Sowing of arable crops</li> <li>● Herbicides applied where needed</li> </ul>
October	<ul style="list-style-type: none"> <li>● ploughing, seedbed preparations, liming etc</li> <li>● Sowing of arable crops</li> </ul>
November	<ul style="list-style-type: none"> <li>● Completion of Autumn cultivations</li> </ul>
December	<ul style="list-style-type: none"> <li>● maintenance of buildings, tracks, fences, hedges and machinery</li> </ul>

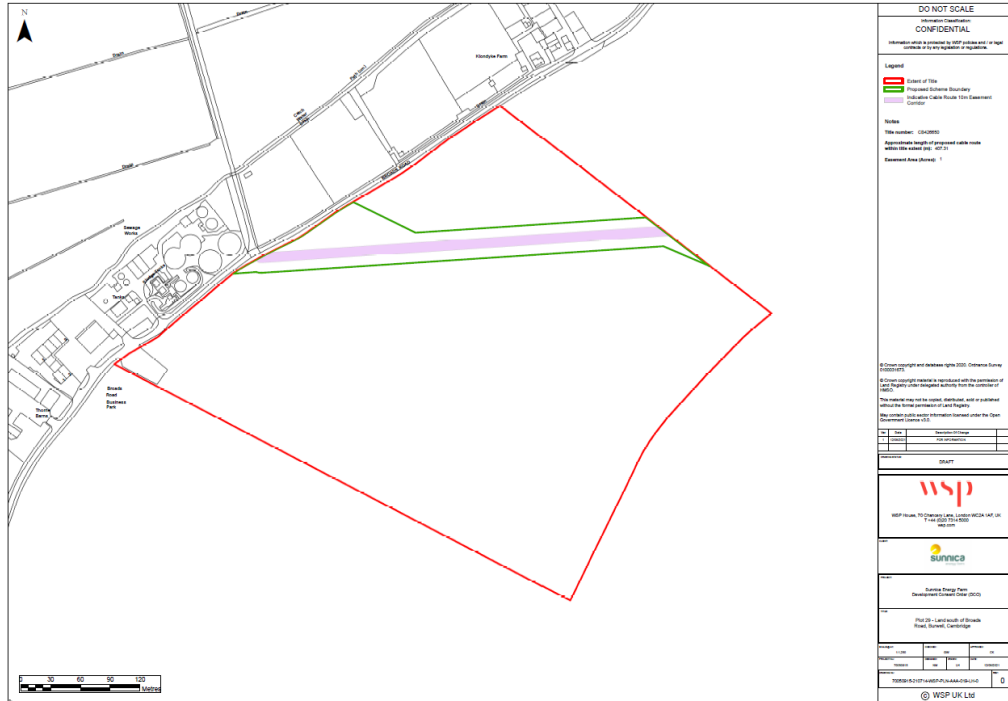
3.3.3

The impact of two years of disrupted activities to the farming operations is not reasonable. We request that further detail is provided on the cable laying, its programming, and the likely timeline for the Mitcham family. Their landholdings are crossed multiple times by the cable across a wide linear span of the countryside. It is entirely possible that they will have Sunnica’s construction teams on their properties across the entire timeframe of the project.

## 4.0 Representation 2 – Area of rights acquired

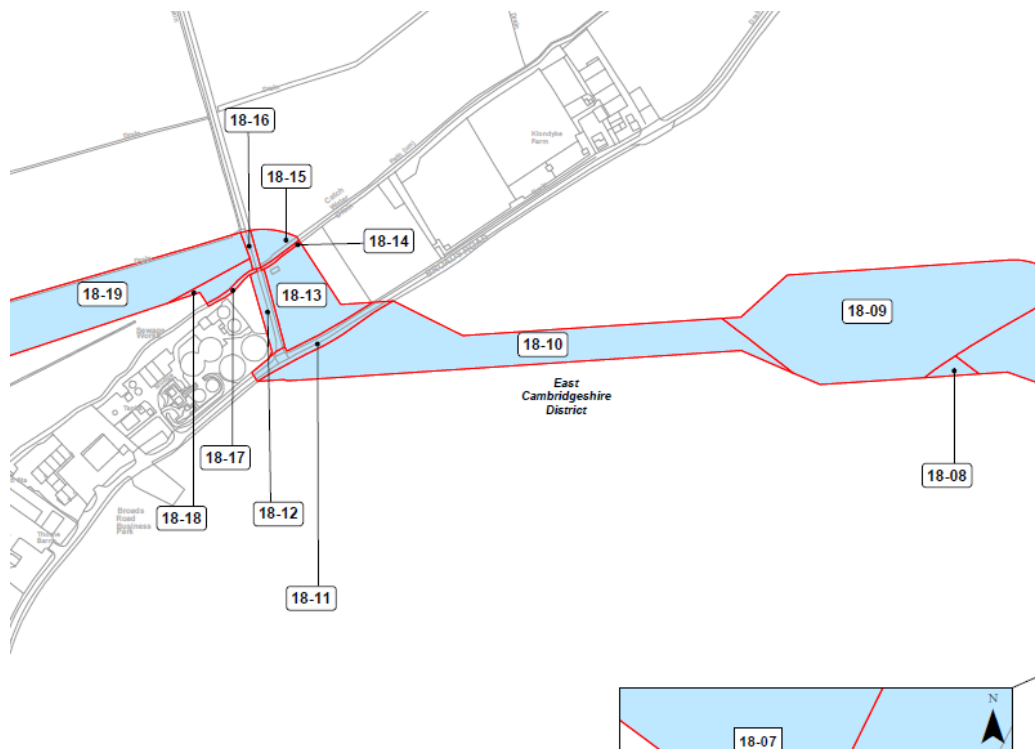
4.1.1 If Sunnica are granted DCO powers, then rights over significant stretches of the Mitcham family landholding will be acquired. The areas defined as within the scheme boundary are much wider than the easement areas that have been requested as part of the Heads of Terms negotiations.

**Figure 5 – Comparison for Land at Broads Road, Burwell (Plot 18-10)**



4.1.2 As can be seen, Sunnica have negotiated with Bidwells for a 10m easement. The below excerpt shows plot 18-10, which is the same area as above. There is no distinction between what is needed for the easement and what is needed for temporary access and workings.

**Figure 6 – Land Plans excerpt for Plot 18-10**

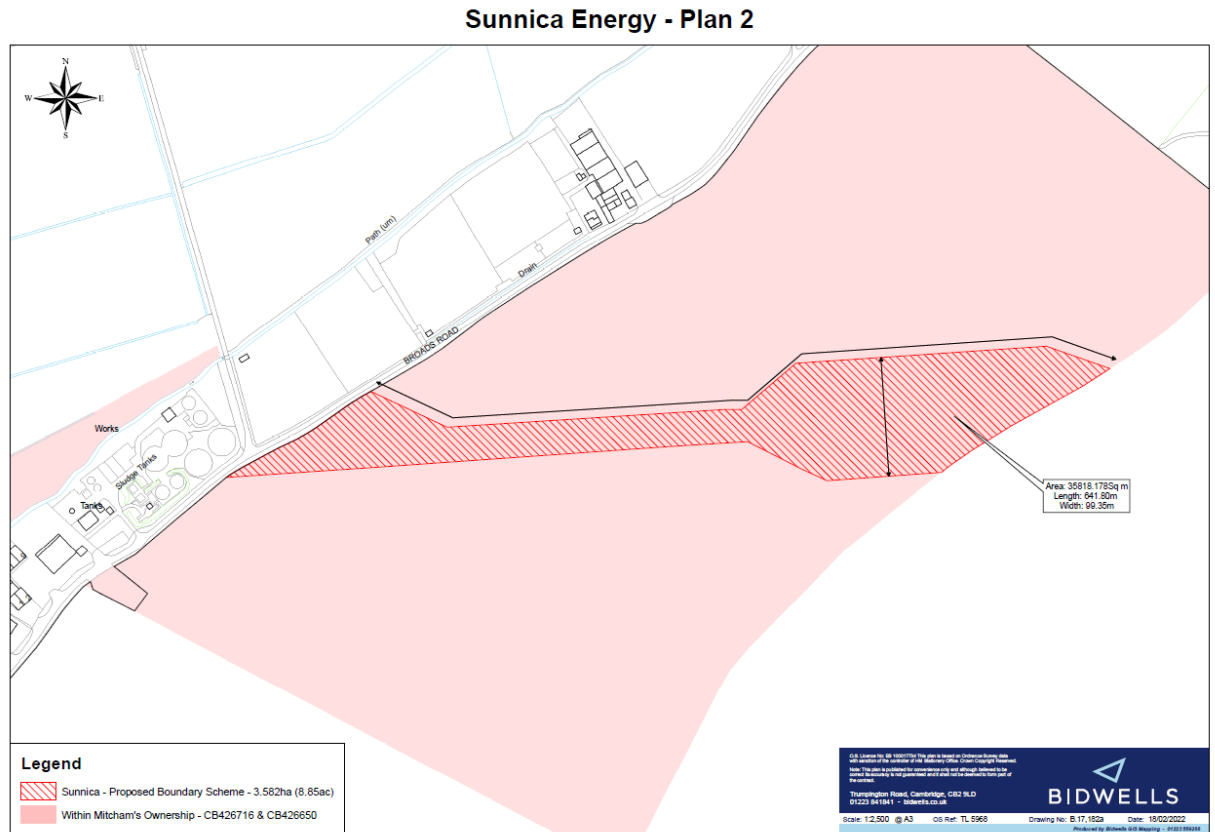




4.1.3 Bidwells mapping office, using the plans submitted by Sunnica as part of the DCO, have overlaid these onto OS maps. They show that the quoted widths provided by Sunnica in their negotiation are significantly exceeded in the DCO. These plans are enclosed in Appendix 3.

4.1.4 Below shows the same area of land shown previously, but with measurements. At its widest point, over 99m is enclosed as within the scheme boundary. For this section, Sunnica have negotiated with Bidwells for a 10m easement. Yet as the DCO is drafted, they will have the same rights over the whole parcel, when the most impactful rights are really only required over 10m.

**Figure 7 – Excerpt of B17,182a**



4.1.5 For the ExA's reference, a table of the easement negotiation figures is listed below, as set out in the Heads of Terms documents issued to Bidwells.

**Figure 8 – Heads of Terms easement details**

TITLE NUMBER	LOCATION	EASEMENT WIDTH (M)	EASEMENT LENGTH (M)	EASEMENT SQM (M)
<b>CB120307</b>	Land at Fordham House, Fordham	55	554.46	30495.30
<b>CB329988</b>	Breach Farm, Burwell	10	902.51	9025.10
<b>CB426716</b>	Land at Broads Road, Burwell	10	249.77	2497.70
<b>CB426650</b>	Land lying to south of Broads Road, Burwell	10	407.31	4073.10
<b>CB429786</b>	Goosehall Farm, Burwell	10	292.75	2927.50
<b>CB450006</b>	Land lying to north of Broads Road, Burwell	10	<i>No information provided</i>	<i>No information provided</i>

- 4.1.6 The discrepancy between the area Sunnica require for an easement, and the land they are trying to acquire powers over, must be resolved.
- 4.1.7 A particular area of concern for the Mitcham family is Fordham House, where the proposed easement is 55m wide. Not only is this excessive, but on a review by our mapping team, it would appear the plans included within the DCO are actually over 65m wide (Appendix 3).
- 4.1.8 Bidwells are involved in the North Sea wind farm cables, acting for impacted landowners. These cables carry 1.4GW of energy. Easements of maximum 20m are being agreed. It is hard to understand why Sunnica require such wide areas.
- 4.1.9 The Mitcham family is content with the principle of a 10m wide easement and a reasonable working area around this, as appropriate for the maximum 132kV cable. However, the significant areas enclosed within the scheme boundary and the discrepancy between areas actually needed versus included is not reasonable.

## **4.2 Future land use**

- 4.2.1 The Mitcham landholdings are well sited for future alternate uses. British agriculture as a sector is diversifying to meet the ongoing challenges of climate change and a tightening economic outlook.
- 4.2.2 The proposed route of the Sunnica scheme, and the manner in which it often cuts directly through land parcels, means a sterilisation of excessive areas for alternate uses.
- 4.2.3 A lack of diligent and meaningful consultation with landowners has resulted in a scheme which has little regard for the impact on landowners and local communities.
- 4.2.4 The Mitcham family believe that with relatively minor design alterations, the scheme could have been designed more appropriate and reasonably.
- 4.2.5 An example of this is the Land at Broads Road (plots 18-09 and 18-10) where the parcel will be cut diagonally by the Sunnica scheme. If the cable was taken to the south or north of this parcel, this would leave the majority of the parcel unaffected. This should be tied into the excessive widths being requested over this parcel, when actually only a 10m easement is required, which if then moved to either end of the field, would have a more modest impact.

## **5.0 Representation 3 – Method of acquisition**

- 5.1.1 The DCO proposal includes reference to both general vesting declaration (GVD) and compulsory purchase order (CPO) as methods of acquisition (draft DCO – Part 5 19.). The general trend towards GVD means it is likely this method will be used.
- 5.1.2 Given the current scheme limits, the Mitcham family face compulsory acquisition of rights and temporary access provisions across vast swathes of their farmland, when in actuality relatively narrow easements are required.
- 5.1.3 Bidwells have had a significantly negative experience with the A14, where GVD powers were utilised. A poorly designed scheme at point of implementation with wide degrees of variation, the impact on landowners has been wide-ranging and unreasonable. Many landowners now face waits of up to ten years for the return of unrequired land parcels, as National Highways lacks the administrative capacity to return them any quicker.
- 5.1.4 The Mitcham family's preference would be for acquisition via notice to treat, if the scheme must go ahead at all. This process, whilst potentially slower, ensures that the key items for negotiation are agreed before entry, and only the rights absolutely necessary for the scheme are acquired.
- 5.1.5 As per representation 2, we request that the ExA require Sunnica to differentiate clearly between land needed for access and land needed for easement.
- 5.1.6 Proposed as-laid plans should be included within this. Until these are provided Bidwells reserve the right to submit further representations when the impact on the Mitcham family can be quantified.

## 6.0 Representation 4 - Drainage

- 6.1.1 The general layout plans show that the proposed cable route will cut across a large of land drains. Agricultural drains are essential in modern agriculture to ensure that farmland remains productive and does not suffer from waterlogging or flooding.
- 6.1.2 The DCO proposal sets out that the grid connection route relevant to this representation “*passes through multiple areas of Flood Zones 2 and 3*”. Some of the farmland is fen land, which has been artificially drained and sits only just above sea level. If the existing agricultural drains are blocked up or otherwise fail, these parcels will flood.
- 6.1.3 This will be exacerbated by our changing climate and the frequent intense periods of rain we now receive.
- 6.1.4 The engineering works required for the cable laying will affect the drainage routes of the landholdings and intercept the natural and man-made drainage. We could find very limited detail on remedial drainage works throughout the DCO representation by Sunnica.
- 6.1.5 On the A14 road scheme there was no agreed design of the drainage remediation prior to the works commencing and poor execution of work. The impact on the adjoining land from flooding was substantial and led to protracted disputes and claims for compensation.

**Figure 9 – drainage issues along the A14**



- 6.1.6 Whilst the A14 was a road scheme, Sunnica will involve a significant amount of excavation and groundworks, in many cases straight through the middle of fields.
- 6.1.7 In the review of the drainage document and ground investigation there appears to be no substantial assessment of the impact of the cabling on existing land drainage. Indeed, a review of EN010106/APP/6.2 Annex F – Drainage Technical Note, 2.2 Drainage reads “*there is currently no formal piped drainage system within the Order Limits*”.
- 6.1.8 This might be true for larger scale municipal drainage, but there is a significant numerous of agricultural drainage schemes across the Mitcham family landholdings. We are certain that there will be many more across the scheme.
- 6.1.9 Later on in the same document, it is concluded “*cable routes were not deemed to contribute any runoff to the drainage system. The proposed cable will be buried, and the greenfield conditions will be restored.*” However, no details are given on how this will be achieved. With reference back to the impact of the A14 on relevant landowners, this is simply not good enough.

- 6.1.10 A review of the issues above needs to be considered to ensure that the existing surface water natural water flow paths and agricultural drainage systems are catered for accordingly and will not cause a detrimental effect to any landowner.
- Bidwells want to draw the Examining Authority's attention to a general concern, that as with much of this DCO application, there is a paucity of detailed accurate drawings and plans.

## 7.0 Representation 5 – Ongoing and historic negotiations

- 7.1.1 The Mitcham family have been involved in fruitless negotiations with Sunnica for some time.
- 7.1.2 The DCO application is drafted to suggest that negotiations have stalled with the Mitcham family due to our client's lack of action, setting a pretext for the use of compulsory powers.
- 7.1.3 Sunnica's negotiation strategy across much of the scheme has aggravated many landowners. It is not surprising to see the number of objections.
- 7.1.4 From time-to-time Sunnica has produced a statement of the heads of terms, including a valuation of the land. Bidwells would then respond on key areas. There has been no substantive response from Sunnica or its agent, on these matters.
- 7.1.5 Therefore, it is inaccurate to state that there has been any meaningful interaction or negotiation. Sunnica cannot dictate terms, refuse to negotiate when they are reasonably questioned, and then claim the Mitcham family is being intransigent.
- 7.1.6 Furthermore, until the scheme is completely defined, there is limited value in evaluating and negotiating, given this incurs costs for the Mitcham family
- 7.1.7 As with the previous examples shown in this representation, Bidwells is concerned by the general lack of detail provided by Sunnica on key matters impacting the Mitcham family. This all fits into a picture, which was perhaps best shown by the numerous alterations Sunnica had to hurriedly complete whilst this DCO application was on hold.

## 8.0 Conclusion

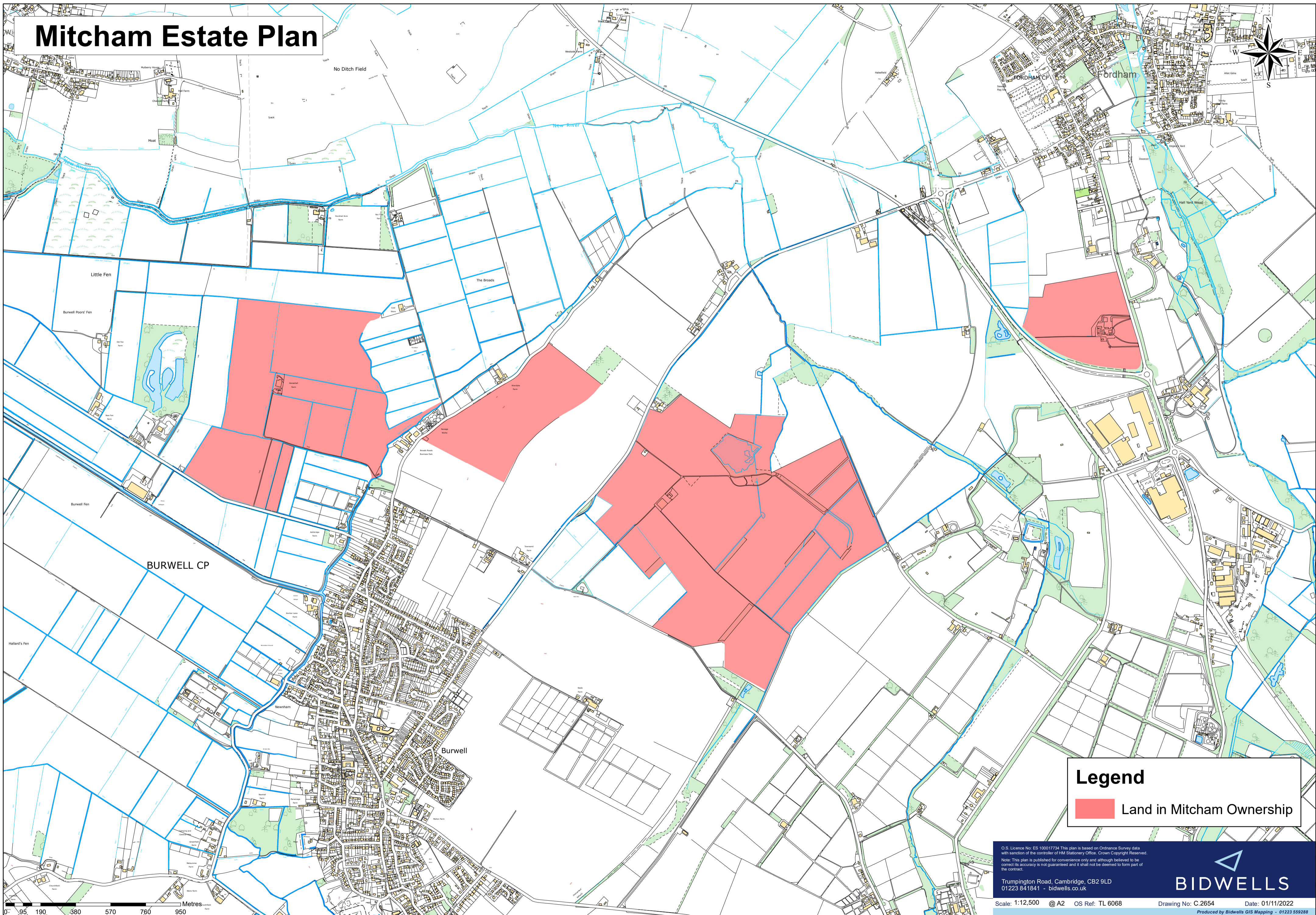
- 8.1.1 Bidwells wish to reflect upon the decision set out in the Vicarage Field Barking CPO, which was rejected by the Planning Inspector. Bidwells believe that this decision is pertinent to the ongoing Sunnica DCO application.
- 8.1.2 In this decision, the Planning Inspectorate believed that the likelihood of the scheme actually being delivered was questionable. It showed the high bar that must be achieved, in order to be granted the privilege of compulsory powers. Bidwells do not believe this bar has been met by Sunnica.
- 8.1.3 Throughout these detailed representations, we have set out key areas which require resolution or significant additional information before a full assessment can be made.
- 8.1.4 As such, Bidwells on behalf of the Mitcham family wish to register a formal objection to the scheme. We reserve the right to supply further representations, if and when Sunnica provide detailed proposals for the matters impacting the Mitcham family.

**APPENDIX 1**  
**ESTATE PLAN**

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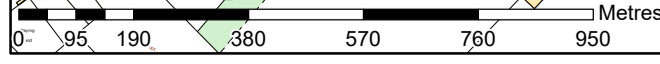


# Mitcham Estate Plan



**Legend**

Land in Mitcham Ownership



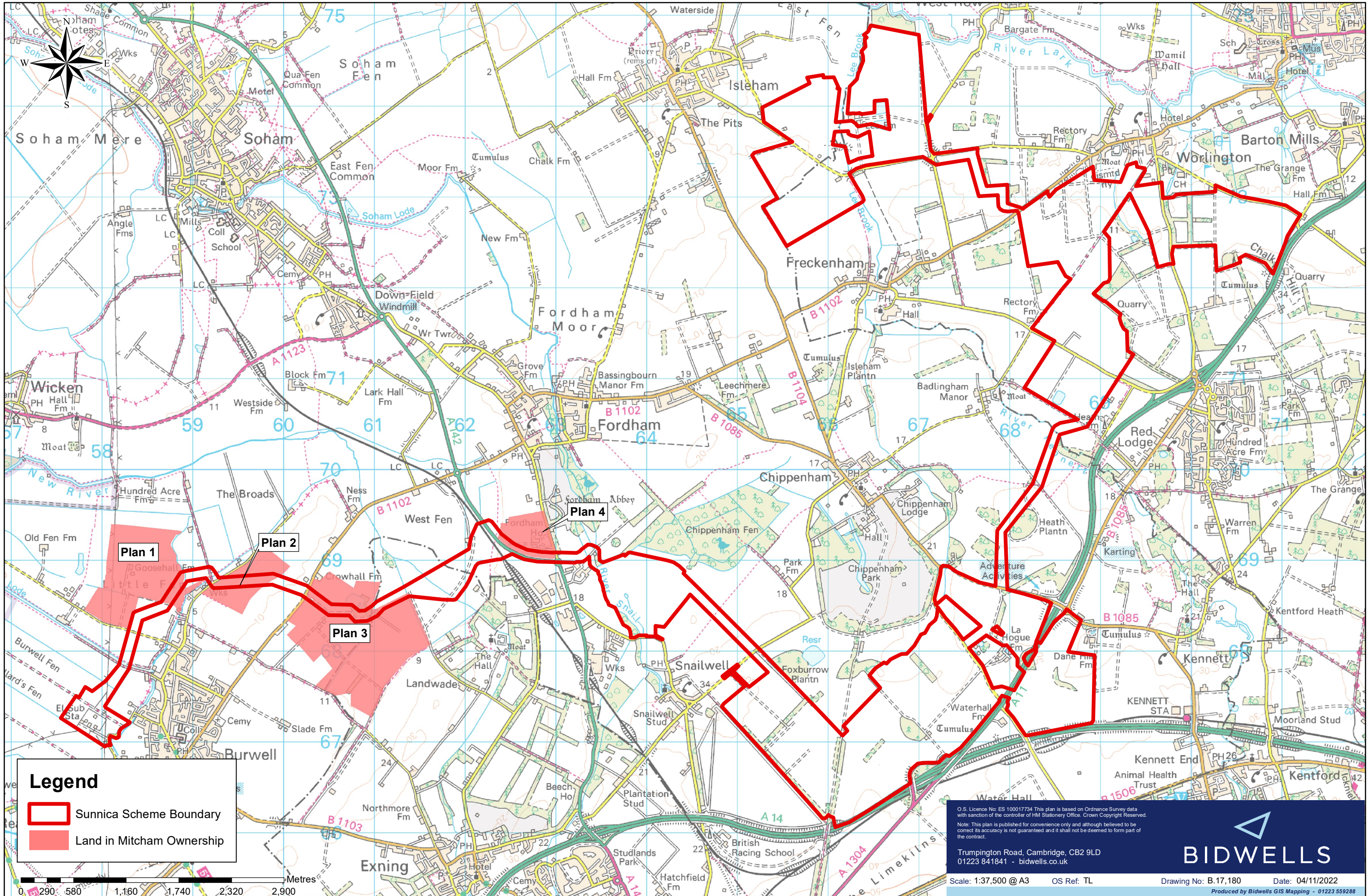


**APPENDIX 2**  
**SUNNICA ROUTE**

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# Sunnica Energy



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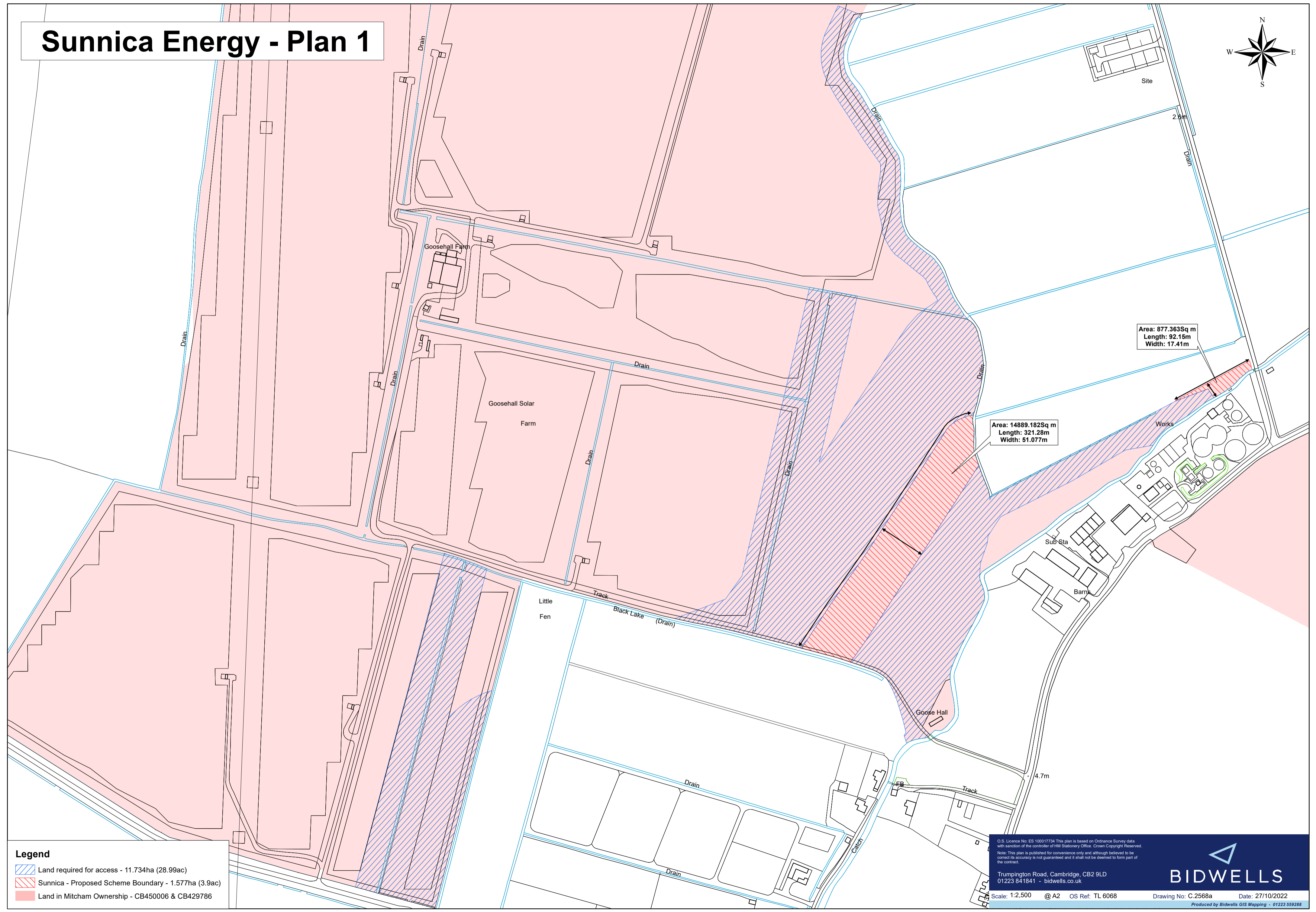
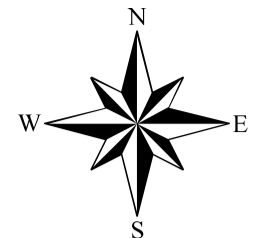
Scale: 1:37,500 @ A3 OS Ref: TL Drawing No: B.17,180 Date: 04/11/2022  
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**APPENDIX 3**  
**DIMENSIONS OF RIGHTS BEING**  
**REQUESTED**

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# Sunnica Energy - Plan 1



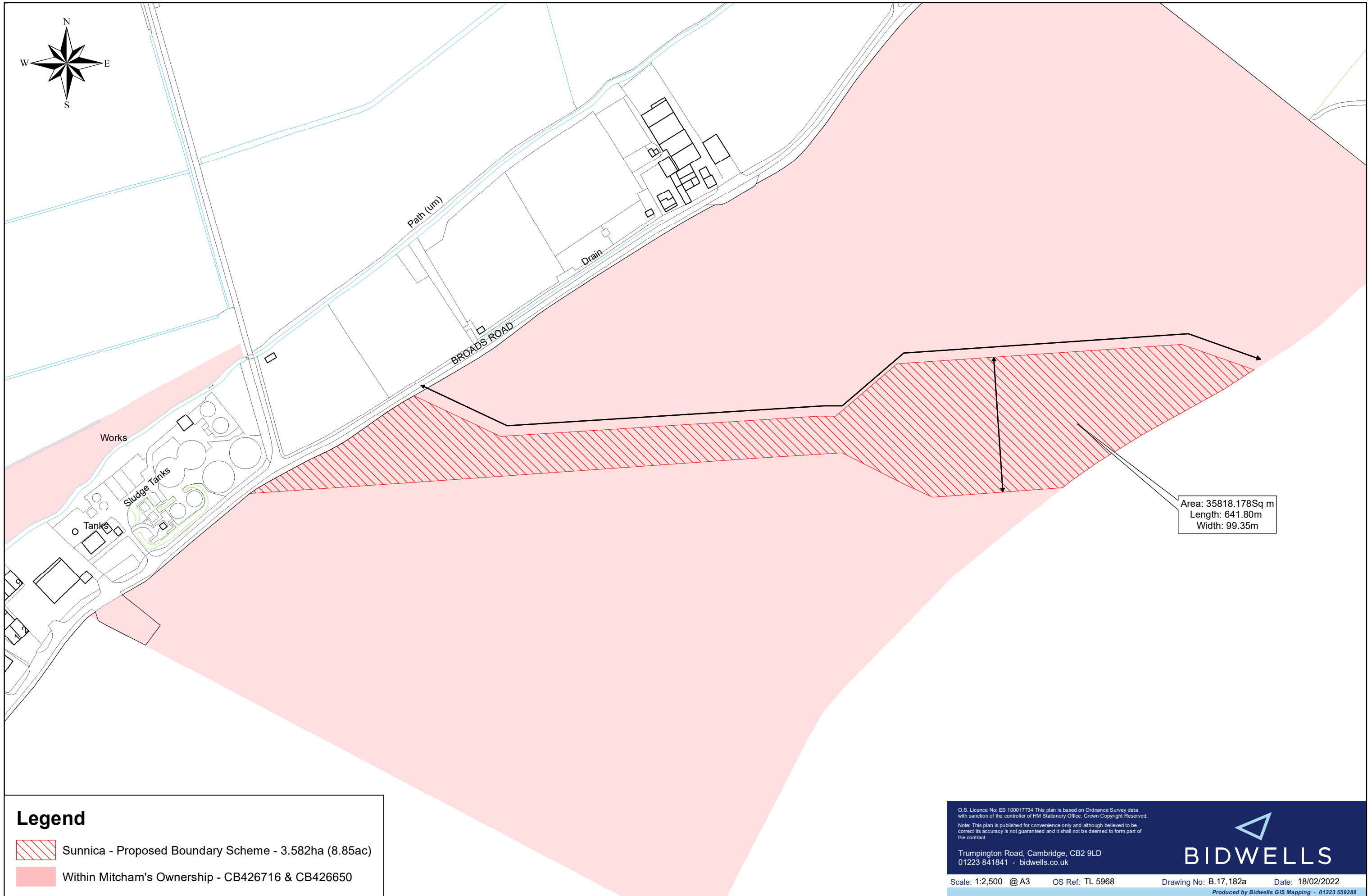
**Legend**

	Land required for access - 11.734ha (28.99ac)
	Sunnica - Proposed Scheme Boundary - 1.577ha (3.9ac)
	Land in Mitcham Ownership - CB450006 & CB429786



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# Sunnica Energy - Plan 2



## Legend

-  Sunnica - Proposed Boundary Scheme - 3.582ha (8.85ac)
-  Within Mitcham's Ownership - CB426716 & CB426650

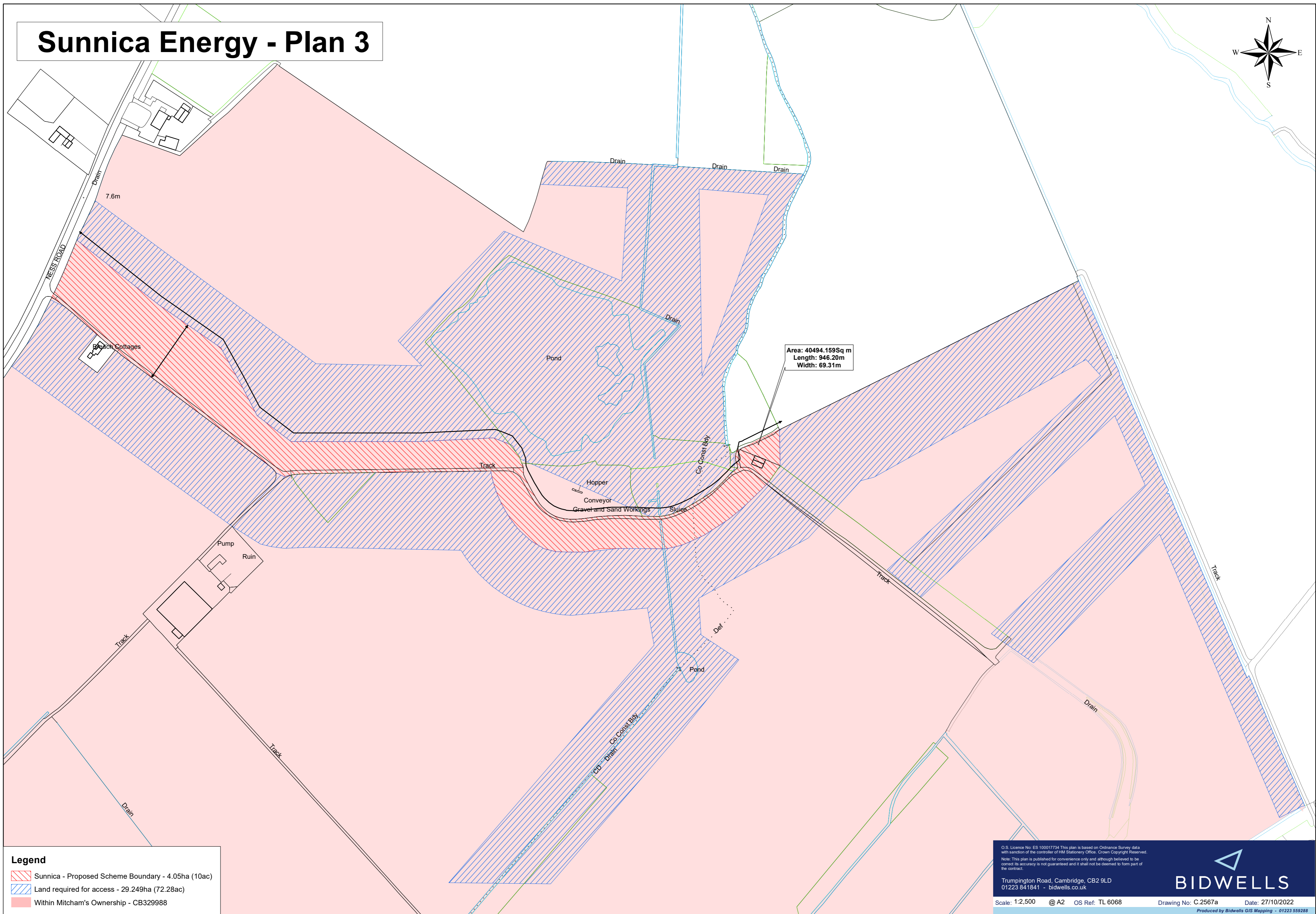
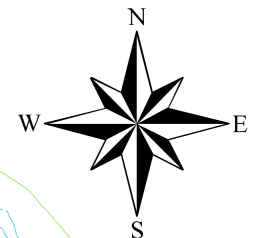
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# Sunnica Energy - Plan 3



**Legend**

	Sunnica - Proposed Scheme Boundary - 4.05ha (10ac)
	Land required for access - 29.249ha (72.28ac)
	Within Mitcham's Ownership - CB329988

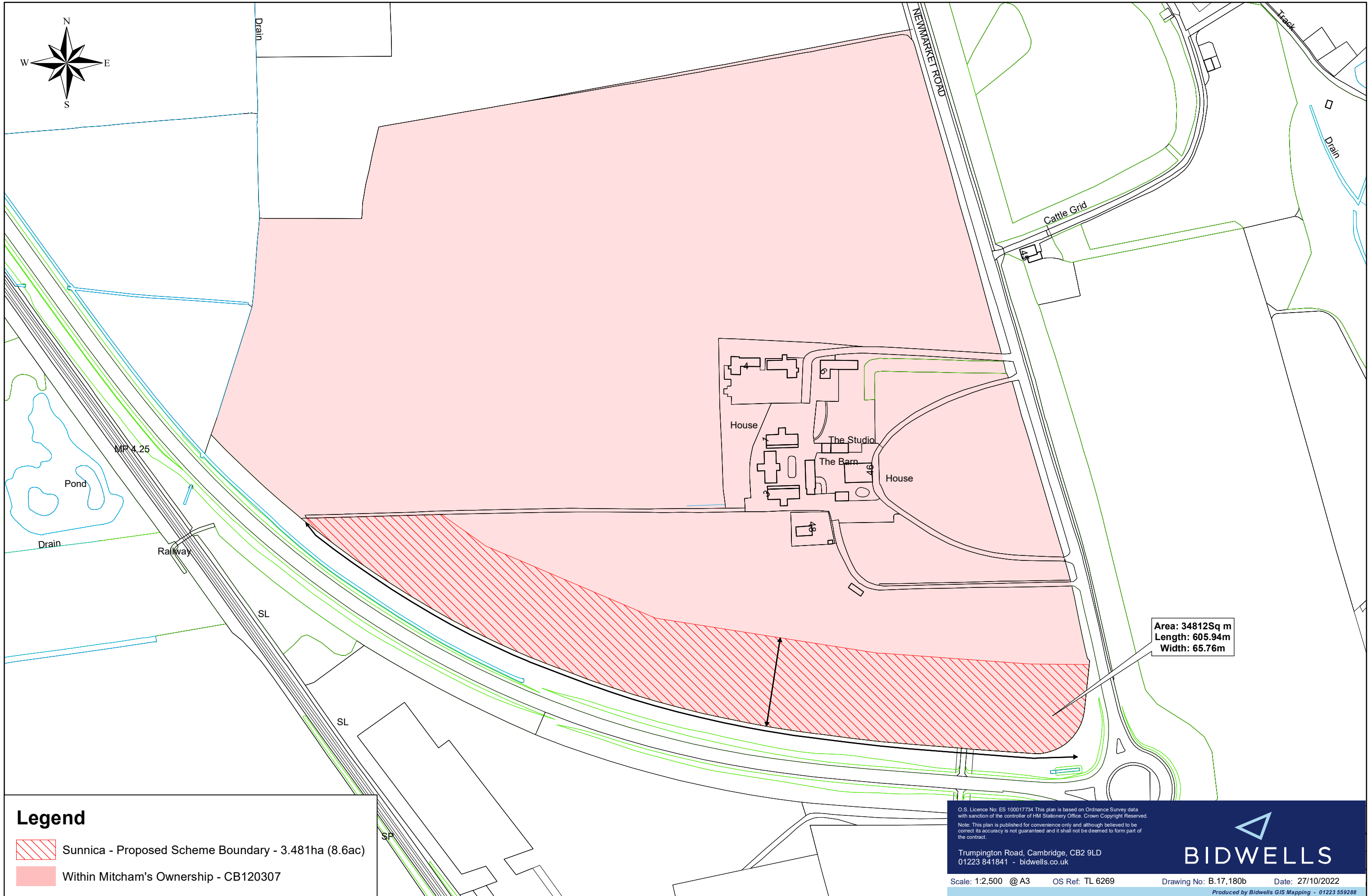
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Scale: 1:2,500 @ A2 OS Ref: TL 6068 Drawing No: C.2567a Date: 27/10/2022  
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# Sunnica Energy - Plan 4



## Legend

-  Sunnica - Proposed Scheme Boundary - 3.481ha (8.6ac)
-  Within Mitcham's Ownership - CB120307

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