

11 November 2022

For the Attention of Michele Gregory
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EN010106

Dear Case Manager

**Written representation by Drug Development Solutions Limited, LGC Limited and LGC Bioresearch Limited opposing the application by Sunnica Ltd for an Order Granting Development Consent for the Sunnica Energy Farm (the Application)
Interested Parties reference number SUNN-015 and unknown**

We are jointly instructed on behalf of Drug Development Solutions Limited (**DDS**), LGC Limited and LGC Bioresearch Limited (**LGC**) to submit this written representation opposing the Application.

1. Introduction

- 1.1 The campus at Newmarket Road, Fordham, Ely, CB7 5WW (the **Campus**) is currently occupied by DDS and LGC. Alliance Pharma acquired DDS in July 2022. Prior to the acquisition, DDS was part of the LGC Group. The Campus was purpose built in 1996 for racehorse testing services. Its location was chosen due to its convenient proximity to the previous laboratory location and employees located in Newmarket, its good road links and proximity to the main customer at that time whose headquarters were in Newmarket. It is located 20 minutes from the bioscience hub of Cambridge.
- 1.2 DDS is an international contract research organisation, offering bioanalysis of small molecules, large proteins for pharmacokinetics, biomarkers and immunogenicity. It also provides analytical sciences research and drug development testing services, consultancy and quality control solutions to support Chemistry, Manufacturing and Controls requirements at all stages of the drug development pipeline from discovery through preclinical and clinical development to commercial manufacture.
- 1.3 DDS is a leading provider of laboratory drug development services, developing new medicines and consumer healthcare products to improve quality of life. Its customers include small-mid biopharma companies, large pharmaceuticals, consumer healthcare and products, and medical device manufacturers. It has over 200 active customers, including four of the top fifteen global pharmaceutical companies and two of the top five global consumer healthcare companies. The Campus is DDS's largest bioanalytical centre and home to its analytical solutions. It has 270 employees, of which 157 are scientists, operating from approximately 4,000m² purpose-built, state-of-the-art analytical laboratories.

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- 1.4 The LGC Group (of which LGC Limited and LGC Bioresearch Limited form part) is a leading global life science tools company, with over 180 years of scientific heritage. It provides mission-critical components and solutions into high-growth application areas across the human healthcare and applied market segments. LGC's high-quality product portfolio plays a key role in customer workflows from discovery applications through to commercial manufacture. Specifically, LGC's Sports and Specialised Analytical Services team operates from the Campus and its activities comprise drug testing for animal sports (equine and canine), testing of nutritional supplements and toxicology testing. LGC has c.105 employees at the Campus, of which 75% are scientists. Of its c.105 employees, approximately 90% work exclusively from the Campus given the nature of their roles.
- 1.5 DDS occupies land and buildings at the Campus comprising:
- 1.5.1 two residential staff cottages at "QBL Buildings", Newmarket Road, Fordham, Ely, Cambridgeshire CB7 5WW pursuant to a lease dated 28 April 2022. This includes rights of access over the roads on the Campus;
 - 1.5.2 Block B (Operations Block) at "HFL Buildings" Newmarket Road, Fordham, Ely, Cambridgeshire CB7 5WW pursuant to a lease dated 28 April 2022. This includes the right to use the car park which falls partly within Plot 16-05 and use of the Access Road (the **Block B Lease**);
 - 1.5.3 Block C (Research Block) at "HFL Buildings", Newmarket Road, Fordham, Ely, Cambridgeshire CB7 5WW pursuant to a lease dated 28 April 2022. This includes the same rights as the Block B Lease;
 - 1.5.4 Blocks F and G at "QBL Buildings" Newmarket Road, Fordham, Ely, Cambridgeshire CB7 5WW pursuant to a lease dated 28 April 2022 (of Blocks E, F and G). This also includes the same rights as the Block B Lease; and
 - 1.5.5 Temporary Office B East, LGC Campus, Newmarket Road, Fordham, Ely, Cambridgeshire CB7 5WW pursuant to a lease dated 6 May 2022.
- 1.6 LGC occupies land and buildings at the Campus comprising:
- 1.6.1 Block A (Administration Block) at "HFL Buildings" Newmarket Road, Fordham, Ely, Cambridgeshire CB7 5WW pursuant to a lease dated 28 April 2022. This also includes the same rights as the Block B Lease;
 - 1.6.2 Block D (New Research Laboratory) at "QBL Buildings" Newmarket Road, Fordham, Ely, Cambridgeshire CB7 5WW pursuant to a lease dated 28 April 2022. This also includes the same rights as the Block B Lease;
 - 1.6.3 Block E at "QBL Buildings", Newmarket Road, Fordham, Ely, Cambridgeshire CB7 5WW pursuant to a lease dated 28 April 2022 (of Blocks E, F and G). This also includes the same rights as the Block B Lease; and
 - 1.6.4 Temporary Office D North, LGC Campus, Newmarket Road, Fordham, Ely, Cambridgeshire CB7 5WW pursuant to a lease dated 21 January 2022.
- 1.7 The Campus is accessible between 06:30-22:30 Mondays to Sundays, outside of bank holidays. However the equipment at the Campus can be operational (automatically) 24 hours a day, all year round.
- 1.8 The Campus is accessed from the A142 Newmarket Road to the west. The initial section of the access from the A142 is shared with the Biggin Stud farmhouse, following which there are security gates controlling access to the Campus. This access is a private road (the **Access Road**).

- 1.9 Examples of the vital work that has been undertaken at the Campus include, on the part of DDS, the development of the oncology drug, Lynparza (olaparib) on behalf of one of the top 5 global pharmaceutical companies, by analysing thousands of clinical trial samples using DDS' highly sensitive and specialist laboratory equipment. Work on this drug commenced in June 2005, and in December 2020 it was approved by the EU for treating ovarian cancer, fallopian tube cancer or primary peritoneal cancer.
- 1.10 DDS also performs batch release testing at the Campus for the propellant gases used in asthma metered dose inhalers. DDS provides exclusive batch release testing services for Koura, who produce around 75% of the world's metered dose inhalers.
- 1.11 LGC's laboratory at the Campus is one of only six International Federation of Horseracing authorities Reference Laboratories, and the only one based in the UK. LGC receives over 60,000 animal sports anti-doping samples annually. Contracted turn-around-times mean that it is not possible for LGC to cease operations at the Campus for any period of time or provide the services from another location. LGC's animal sports testing services contribute significantly to animal welfare and the integrity of horseracing in the UK and Ireland and greyhound racing in the UK.
- 1.12 LGC also provides Human Testing services for workplace drug testing, welfare monitoring and forensics providers from the Campus. LGC is a trusted provider for the Ministry of Defence and the Metropolitan Police. LGC is the only UKAS-accredited laboratory for screening and confirmation of new psychoactive substances, anabolic steroids and related compounds from human urine.

2. Interests affected by the Application

- 2.1 DDS and LGC occupy Plots 16-04, 16-05 and 16-06 as identified on the Land Plans submitted as part of the Application. DDS does not appear in the Book of Reference submitted as part of the Application, although LGC is listed in respect of those Plots. Together Plots 16-04 and 16-05 cover the car park servicing the Campus, and 'cable rights' are sought over both Plots, with 'access rights' additionally being sought over Plot 16-05. Plot 16-06 covers the Access Road, which is used to access the car park and the Campus, and 'access rights' are sought over this land. The Applicant's development would result in the loss of approximately ¾ of the car parking provision (circa 140 spaces) on that part of the Campus.
- 2.2 In addition, temporary possession powers are sought over all of the land shown on the land plans submitted as part of the Application, and therefore over the Plots in which DDS and LGC have an interest. Such possession is sought on 14 days' notice.

3. Objection to the Application

DDS's and LGC's principal concerns in opposing the Application are:

No clear purpose or justification for acquisition

- 3.1 Plots 16-05 and 16-06 are identified within the draft development consent order submitted with the Application as being required for Work No.9 in the DCO. The scope of this Work is extremely broad (being works to existing streets to facilitate access to Work Nos. 1 to 8), and since some of Work Nos. 1 to 8 includes works for the West substation and also relates to the Eastern portion of the project, it is clear that access for those purposes over these Plots will neither be necessary, nor can it reasonably be justified.

Alternatives

- 3.2 We are not aware of any alternative access routes for the project being considered to the Access Road or, if they were considered, the reasons that they were discounted; however we see no reason why access could not be taken directly off the roundabout on the A142 along the cable route identified through Plots 16-10, 16-09 and 16-08, 16-07 and 16-04, which would cause significantly less disturbance to DDS's and LGC's operations.

- 3.3 At PEIR stage, what are now Plots 16-05 and 16-06 (as well as parts of Plots 16-09 and 16-04) did not appear in the scheme boundary (see Fig 4.6 of Environmental Statement doc ref **APP-176**). The Applicant has included a letter dated 12 February 2021 (Consultation Report Appendix N-2 **APP-031**) notifying parties about a change in the access at that stage as part of targeted statutory consultation. Table 5-1 of the Summary of targeted consultation (**APP-026** printed page 107) states that the reason for this was "to notify consultees of a change to the Order limits at the Horse Racing Forensic Laboratory to the east of Newmarket Road, Fordham. This change was made to allow access to the cable corridor to facilitate the Scheme." Table 5.1 states that the documentation provided a "plan of the order limits (version showing all changes)". Appendix N-1 (**APP-031**) does not identify this as a numbered change to the scheme. Table N-1.1 to that Appendix does not identify any change and accordingly there is an error in the statutory consultation process as the Applicant has failed to identify the reasoning or location of any change. Whilst the red line on Appendix N-1 does include what are now Plots 16-05 and 16-06 the Applicant failed to bring this to the attention of the parties they were consulting with. The Applicant has failed to set out any form of assessment as to the suitability of including part of the Campus within the Order Limits including the impact this would have on the occupiers of the Campus, nor have they demonstrated any assessment of alternatives to be used.
- 3.4 The position on alternatives was considered by Lord Denning in *Prest v Secretary of State for Wales (1982) 81 LGR 193*, where it was explained that no reasonable Secretary of State could conclude that it was necessary for an authority to acquire other land compulsorily where the authority is in possession of other suitable land which is wholly suitable for the purpose.
- 3.5 Since alternative access could be taken through land which the Applicant is already seeking rights over (namely Plots 16-10, 16-09, 16-08, 16-07 and 16-04), there is therefore no demonstrated need or justification for the compulsory acquisition of rights over Plots 16-05, 16-06, nor the full extent of Plot 16-04.
- 3.6 If there had been full and open consultation and engagement with DDS and LGC (or LGC alone before DDS acquiring an interest in the Campus) prior to the Application being submitted, then there would have been adequate opportunity to explore the more appropriate location for the proposed access, and the issues with the Access Road and sensitivities of the operations at the laboratories could have been explored. However, if the Application is granted consent in its current form, DDS and LGC are concerned that they will no longer be able to carry out their processes and functions at the Campus to the fullest extent necessary or at all. This will have a considerable impact on the vital role that DDS and LGC play at a national and international level in their research and drug testing services.
- 3.7 A meeting was held with WSP, the engineering consultant for the proposed scheme acting for Sunnica, on 28 July 2022 during which the nature of the work undertaken by the occupiers at the Campus was explained. As a result of this meeting, WSP agreed to draft a proposal to address a number of specific issues including retention of the entire asphalt car park plus conversion of a grassed area into a car park for DDS/LGC use and no compromise to flood defences. It is more than 3 months since that meeting and no follow up has been received from WSP.

Noise and Vibration

- 3.8 The effects of increased noise and vibration levels on the Campus as a result of the anticipated use of the access rights sought over Plots 16-05 and 16-05 which are directly adjacent to the location of laboratories on the Campus are hugely concerning to both DDS and LGC.
- 3.9 Both DDS and LGC operate a range of extremely sensitive and complex analytical instruments at the Campus, for example time-of-flight mass spectrometers and microbalances. Manufacturing instructions provided with these instruments identify that to achieve the specified analytical performance required for DDS's testing, the maximum vibration during the use of these instruments should not exceed VC-B level (up to 25 µm/s). The access rights sought by the Applicant allow access with vehicles, plant and machinery, and particularly during construction of the project, it is understood that there would be an estimated 46 HGV movements per day (Para 5.4.20 Appendix 13 B Transport Assessment **APP-117**), as well as an additional unknown number of other vehicles using the Access Road. DDS understands that just one HGV

movement could exceed the recommended vibration levels of the highly sensitive equipment used on the Campus. When the levels are exceeded the results are not reliable or the function of the equipment would be compromised and could result in erroneous search results. These instruments are operational 24 hours a day, 365 days a year. This means that the use of, and testing undertaken by, these instruments could not continue during construction of the project.

- 3.10 DDS's operation at the Campus is one of the world's largest bioanalytical centres supporting pre-clinical and clinical trials globally. The Bioanalytical Group working at the Campus measure levels of drugs, biomarkers and anti-drug antibodies (immunogenicity) in clinical trial patients and healthy volunteers. Once a clinical trial has started, halting the laboratory work and failing to provide the required sample results would mean the objectives of the trial could not be fully met. Sample stability can be very limited, for example in flow cytometry analyses using live cells samples cannot be stored for more than 24 hours. If samples are analysed outside the confirmed stability period any data produced is not scientifically valid and cannot be used. In some cases, the data DDS provides is used for decision-making during the trial (for example dose escalation) and so without this data, the trial could not continue.
- 3.11 Because DDS develops and validates bespoke analytical methods for each study it supports, attempting to transfer studies to an alternate facility is likely to compromise the development of the drug, leading to significant delays to the treatment of patients with rare medical conditions. This could delay the development of new medicines and products, and potentially create shortages in the availability of medicines. This would come at a great cost both financially and in terms of the importance and urgency of the work being undertaken.
- 3.12 LGC's operations at the Campus involve work of a forensic nature whereby all visitors to site (including deliveries) are by arrangement only and access is strictly controlled/monitored. The forensic codes of practice stipulate that proportionate protection must be taken against risks such as theft or interference with exhibits. The work cannot be stopped or paused as a quick turnaround of results is essential to LGC's customers.
- 3.13 The Access Road is used routinely by LGC for the delivery of compressed gasses, which are ordered automatically based on volume sensors. When delivery is taking place, the Access Road is partially blocked for the duration of unloading (as the gas storage compound is located on the side of road). If access to gas compounds cannot be achieved (e.g. due to site congestion), the delivery is cancelled and re-arranged to a later time, leaving the Campus potentially compromised and unable to function (noting delivery is based on a just-in-time supply).
- 3.14 As a result of the above, it is not practical or reasonable for work on the Campus to stop during the construction period for the project. DDS and LGC have contractual agreements with their customers which would be breached if work had to be stopped at the Campus for any period of time. The liability caps vary between each contract, but by way of example a number of contracts may exceed £1million. Any losses which DDS or LGC incur to those customers will be caused by the impact of the Scheme and will be claimable losses.
- 3.15 The Funding Statement submitted with the Application refers to the current estimate of the Scheme being £600million, which is stated to include the compensation payable in respect of any compulsory acquisition included in the development consent order and required for the scheme. However given the liability caps included within DDS's and LGC's contractual agreements with its customers which it would simply be unable to fulfil if the Application is granted, it seems unlikely that any allowance for this has been made by the Applicant in its compensation assessment.

Impacts of reduced car parking and waste facilities

- 3.16 The cable rights sought under the Application in respect of Plots 16-04 and 16-05 would allow the Applicant to erect temporary construction compounds over the car park which services the Campus. The majority of the employees working at the Campus live within the local population centres of Newmarket, Ely, the Greater Cambridge area and Bury St Edmunds. Employees travel to work almost exclusively by car as a result of the lack of public transport options to the Campus; there is no convenient railway station and no bus stop near the Campus. There are more than 140 car parking spaces on the Campus for employees of DDS and LGC, and these

spaces are fully utilised. There are no alternative parking options outside of the Campus, as there can be no parking on the A142 leading to the Access Road, and there are no other car parks within walking distance of the Campus. Whilst a small number of employees cycle to work, the A142 is a busy main road without a cycle lane, and for most employees, the distance from home to work means that cycling is not a practical method of transport. As a result, if the car parking spaces are compromised, employees will be unable to access the Campus, and therefore operations at the Campus for both DDS and LGC will be disrupted.

- 3.17 The Applicant has failed to consider the re-provision of car parking elsewhere on the Campus so as to avoid any loss of car parking or provide alternative locations for any temporary compounds so as to avoid the currently used surface car parks.
- 3.18 In addition, parts of Plot 16-04 and 16-05 are used for the provision of waste areas for skip and compactor collections. Without this equipment on the Campus, the laboratories would not be able to operate.
- 3.19 The Application seeks temporary possession of all of the Plots 16-04 to 16-06. A notice period of just 14 days is included within the Application to take this temporary possession. That is simply insufficient to allow for any alternative arrangements to be made for both car parking or the provision of waste facilities. Further, if temporary possession was sought over the Access Road to the exclusion of DDS and LGC they would not be able to access the Campus at all.

Impacts of the proposed use of the Access Road

- 3.20 The use of the Access Road for the project during construction will impact on the multiple deliveries per day of vital equipment and supplies (including hazardous materials) to the Campus, as well as the weekly collection of waste and bi-weekly hazardous waste for disposal from the car park, both of which allow for the Campus' continued operation. It is also necessary for there to be safe access for the delivery and storage of bulk liquid nitrogen which could be compromised by the Application.
- 3.21 It is vitally important that these delivery and collection vehicles enjoy uninterrupted access to the Campus at all times.

Site security and Health and Safety risk

- 3.22 The Access Road provides the only entry and exit point into the Campus. By necessity as a result of the activities which take place on the Campus, the Access Road into the Campus is, and must be, controlled to visitors by site security. This security must be maintained, and any compromise of that security poses a serious reputational risk to DDS and LGC. As there are no formal turning facilities between the security gates and access on to the A142, if there is an issue with an HGV driver's access, they would need to reverse back along the Access Road directly on to the A142. Not only would this be potentially dangerous, but it could also lead to delays to deliveries, employees and authorised visitors accessing the Campus.
- 3.23 In addition, the Access Road into the Campus is a pedestrian zone with multiple employees and delivery personnel crossing the Access Road throughout the day to move samples and hazardous materials between various buildings and storage areas around the Campus. Increased traffic on the Access Road, and in particular the type of construction traffic which is likely to be required by the project, presents a serious risk to Health and Safety of the users of the Campus.

Utility diversions

- 3.24 DDS and LGC are concerned that the works authorised by the Order may have a detrimental impact on, or interrupt, the utilities serving the Campus which are absolutely vital to its operation.

Impacts on the flood defence bank

3.25 Part of the land within Plot 16-04 contains a raised-earth bund bank which forms part of a drainage plan for the Campus in addition to the interceptor pumps, designed to cope with the drainage of the surface water from the Site to the flood plain on the east. This would need to be re-provided elsewhere on the Campus if compromised by the Application.

Impacts on residential properties

3.26 There are 2 residential properties (the **QBL Buildings**) at the edge of the Campus, which are typically occupied by employees at the Campus, which fall outside of the development consent order boundary, but are adjacent to it and will therefore clearly be unacceptably affected by the construction traffic and noise caused as a result of the project. It does not appear that any assessments have been undertaken at these properties to assess the impact of the Application. The roles undertaken by those occupying the properties provide essential support for DDS and LGC operations and include site/facilities management staff and employees working in IT support.

3.27 There would be an unacceptable impact on the human rights of those resident at the QBL Buildings since they would be unable to safely access their home, contrary to Article 8 of the Human Rights Act 1998.

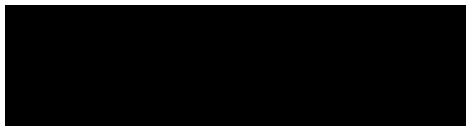
Expansion proposals

3.28 DDS also has proposals for expansion within the next 5 years, which will be impacted by the construction activities for the project and the project itself. These proposals have been carefully structured and controlled to ensure minimal disruption to the Campus to allow existing operations to continue. The existing consent (ref 17/01838) includes development works at Building B which are due to commence in November 2022 on receipt of a Licence to Alter and last until March 2023. These works are to convert meeting rooms at the Site into laboratories. The works at Building B West are due to start in 2023 for 12 months which involves the construction of a standalone building. DDS will occupy these buildings. Part of Building D is shared with LGC, and DDS will then move out of Building D which will allow LGC will then refurbish Building D. Planning permissions has also been granted for development at Building C East.

3.29 There is no evidence that the Applicant has taken into account this consented scheme in its transport assessments nor the impact any conflict in construction that their scheme could create on the permission for the Campus. It is accordingly imperative that no rights are conferred as part of the Application over the Campus.

In conclusion, DDS and LGC strongly object to the Application. We reserve the right to add to the grounds of this representation if new matters come to light.

Yours faithfully



Womble Bond Dickinson (UK) LLP

Enclosures

1. Summary of written representation

Enclosure 1:

Summary Written representation by Drug Development Solutions Limited (DDS), LGC Limited and LGC Bioresearch Limited (together LGC) opposing the application by Sunnica Ltd for an Order Granting Development Consent for the Sunnica Energy Farm (the Application) Interested Parties reference number SUNN-015 and unknown

DDS and LGC object to the application by Sunnica Ltd for development consent.

DDS is a leading provider of laboratory drug development services, developing new medicines and consumer healthcare products to improve quality of life. DDS's purpose-built, state-of-the-art laboratories at the Campus is DDS's largest bioanalytical centre and home to its analytical solutions. The LGC Group (of which LGC Limited and LGC Bioresearch Limited form part) is a leading global life sciences company, providing mission critical components and solutions across the human healthcare and applied markets segments. LGC's laboratory at the Campus is one of only six International Federation of Horseracing authorities Reference Laboratories, and the only one based in the UK. LGC also provides Human Testing services for workplace drug testing, welfare monitoring and forensics providers from the Campus. LGC is a trusted provider for the Ministry of Defence and the Metropolitan Police. LGC is the only UKAS-accredited laboratory for screening and confirmation of new psychoactive substances, anabolic steroids and related compounds from human urine.

DDS and LGC occupy Plots 16-04, 16-05 and 16-06. Together Plots 16-04 and 16-05 cover the car park servicing the Campus, and Plot 16-06 covers the Access Road, which is used to access the car park and the Campus. The Applicant's development would result in the loss of approximately $\frac{3}{4}$ of the car parking provision (circa 140 spaces) on that part of the Campus. In addition, temporary possession powers are sought over all of the land.

DDS and LGC's principal concern in opposing the Application is that we are not aware of any alternative access routes for the project being considered, or if they were considered the reasons that they were discounted. We see no reason why access could not be taken directly off the roundabout on the A142 along the cable route, which would cause significantly less disturbance to DDS and LGC's operations.

DDS and LGC's additional concerns are as follows:

1. No clear purpose of justification for acquisition;
2. The effects of increased noise and vibration levels on the Campus;
3. Impacts of reduced car parking;
4. Impacts of reduced waste facilities;
5. Impacts of the proposed use of the Access Road;
6. Site security and Health and Safety risks;
7. Impacts of utility diversions;
8. Impacts on the flood defence bank;
9. Impacts of the 2 residential properties on the edge of the Campus and accordingly any Human Rights assessment;
10. Impacts on DDS's expansion proposals.