

**SUNNICA ENERGY FARM**  
**REF: EN01016 DRAFT DEVELOPMENT CONSENT ORDER**  
**PLANNING ACT 2008**  
**INFRASTRUCTURE PLANNING (APPLICATIONS: PRESCRIBED FORMS**  
**AND PROCEDURE) REGULATIONS 2009**

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**WRITTEN SUMMARY OF ORAL CASE FOR EAST CAMBRIDGESHIRE**  
**DISTRICT COUNCIL & AND CAMBRIDGESHIRE COUNTY COUNCIL**

**ISSUE SPECIFIC HEARING 3**

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*Introduction*

1. East Cambridgeshire District Council (“**ECDC**”) and Cambridgeshire County Council (“**CC**”) have separate interests and obligations around the topics discussed on ISH3 (“**the Councils**”). They were represented by the same legal team for the purposes of the DCO hearings. These points build on the those contained in the Joint LIR with other local authorities, as well as the points made at ISH2.
2. Again, for brevity, where issues overlap with other authorities, we have not sought to repeat the points.

*(2) Principle and nature of the development*

3. The Applicant has yet to make the formal changes to delete a part or parts of the Order limits. The Councils have confirmed that they do not consider that a formal consultation is required, and in any event welcome the reduction of the Order limits. The Councils welcome the ExA's indication that an early change application should be forthcoming, with a formal decision to be issued soon.
  
4. The position of the ECDC have not changed in relation to what parcels are required to be deleted (W03-W12, EO5). The Appellant's view remains that such deletions would result in 236ha being removed, leading to '*significant operational constraints*'. This means that there is little scope to narrow differences between the parties. The harms and the mitigation proposed should therefore be understood in this context.
  
5. As for the question of any 'benefits' to the local community, the Applicant confirmed that the benefits to the scheme are not going to be '*felt any more in Newcastle as opposed to Newmarket.*' The same principles apply in relation to any benefits to the local community experiencing fuel poverty locally. Again, the point here being that the benefits scheme are very much national but the significant impacts will remain very much local.
  
6. A point arose on the lifetime of the project and what the draft EN-3 says about this.<sup>1</sup> This relates to the draft policy EN-3.<sup>2</sup> Three points to highlight. **First**, the time limit

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<sup>1</sup> As raised by ECDC in Rep 3-A

<sup>2</sup> See paragraphs 2.49.12-2.49.13

for consenting a solar farm is said to be ‘typically’ 25 years whilst acknowledging that differing time-periods may be sought. **Second**, the time-limit sought is said to be an ‘important consideration’ when assessing the impacts ‘*such as landscape and visual effects and potential effects on the settings of heritage assets.*’ **Third**, there is no mention of 40 years in the draft policy. The consequences of these components is (1) the impacts of the consent sought is clearly going to last for longer; (2) whether after, say, 30 years a need to replace all panels becomes a live issue; and (3) the mitigation proposed must also be assessed in that context.

#### Socio-economic and land use

7. The Councils do not repeat the points made by SNTS action group in relation to the agricultural land classification surveys. The ExA has copious data and information covering this issue, including what was said in the Joint LIR.<sup>3</sup> The Councils welcomed the issue specific hearing looking at this specific issue.
8. The same point in relation to the impact on the Horse racing industry.
9. As for the employment assumptions, effect on the local economy and the compensation package for local communities, Suffolk County Council will be addressing these points in their post hearing submissions. The following is added by way of brief comments. There are many flawed assumptions which underpin the

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<sup>3</sup>Joint Local Impact Report [REP1-024]

Applicant's studies and methodology. There is likely to be a skills shortage locally, leading to significant in commuting and the potential for people staying locally during construction. These are all likely to have an impact on the local road networks, on tourism and pressures on local infrastructure/services.

*Air quality and human health*

10. The Councils have little further to add beyond what was already addressed in the Joint LIR. Suffolk County Council are due to make further submissions as the authority with oversight on the battery storage system, and its implications. We do not add anything further. The same in relation to the position from the first responders.

*Water Resources, flood risk and drainage*

11. The Councils have already expressed their concerns in relation to this issue in the Joint LIR. We have nothing further to add to this.

*Public rights of way*

12. Public rights of way are features within the landscape, integral to the essence of the landscape, its ecology, heritage and place-making. The impacts on the eight public

rights of way (“**PRoW**”) is therefore an important concern for the Councils. The concerns for the Councils, together with other County authorities, can be broken down into three components; the temporary closures and restoration, the permissive paths and the mitigation during construction and after the development is decommissioned.

13. The Councils are keen to achieve minimal closure in order to maintain the public’s use of the routes for health and wellbeing – a particularly important issue for this location.<sup>4</sup> The Applicant has suggested that there could be a way of addressing these concerns (i.e. not all PRoW will be closed at the same time, avoiding severance of different routes, commitment to restoration, minimising impacts overall). The Councils repeated the need for the right signages to be set up in consultation with the relevant LHA, the methodology for which must be documented in the CTMP. Similarly the CTMP needs to address how boundary features will be restored respecting the legal width of PROW, with cross-reference in the LEMP to address ecological concerns.
14. The Applicant needs to address in the LEMP how existing areas of vegetation that are intended to screen PROW from the development will be monitored during the operational phase to identify gaps that may develop through wind damage or dieback, and how they will be resolved to maintain effective screening.

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<sup>4</sup> See paragraphs 14.40 in the Joint LIR [REP1-024]

15. The Councils repeat the importance of the Rights of Way Improvement Plan<sup>5</sup>, each county authority having its own separate one in accordance with statutory requirements. It was confirmed before the ExA that this was a material consideration for the examination as it would be for any planning application.
16. The PROW network is sparse in the development area. The Applicant's current offer of four permissive paths, only one of which is in Cambridgeshire, is so limited as to be almost meaningless.
17. There is a strong point of difference between the Councils and the Applicant on whether permanent enhancement to the PROW network will be offered. The Applicant contends that they have (or are about to) sign the lease agreements with the landowner, and on this and other matters they simply could not compel them to mitigate against any harms beyond the lifetime of the project. The Councils disagree, and the legal points in relation to this are being picked up by SCC. For present purposes, we add the following.
18. The NPPF paragraph 100 clearly encourages taking opportunities arising from development to provide better public rights of way and access facilities for users, without specifying an end point in time. The Rights of Way Improvement Plan strategy document similarly envisages an enhancement that is neither time limited or highly specific to a development in the way sought by the Applicant in this case.

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<sup>5</sup> Cambridgeshire Rights of Way Improvement Plan policy (included in LIR appendix 16 [REP1-024h])

There is a specific demographic in need of these facilities to remain to the highest possible standard, and this development's impacts on local communities is significant.

19. Local authority health and wellbeing strategies have long identified the link between behaviours and health and wellbeing, whilst the government strategy has identified the Covid pandemic as underlining the important role of access to nature for health and wellbeing, particularly for those in disadvantaged areas.<sup>6</sup> Further, active travel is a now major strand of government strategy to, amongst other objectives, achieve a significant positive impact on people's health, wellbeing and quality of life by enabling more active lifestyle choices and inclusive access to key services and leisure activities for people of all ability. Cambridgeshire & Peterborough's Draft Active Travel Strategy expands on the vision for active travel set by the Cambridgeshire and Peterborough Local Transport and Connectivity Plan 2022<sup>7</sup>.
20. Notwithstanding the above principal position, the Applicant's predicament of not wishing to compel the landowner contractually on this issue, the authorities are willing to engage on a public rights of way mitigation strategy and compensation package secured via S106 agreement. This would not be the ideal outcome because

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<sup>6</sup> Department for Environment & Rural Affairs - A Green Future: Our 25 Year Plan to Improve the Environment

<sup>7</sup> Local Transport Plan - Cambridgeshire & Peterborough Combined Authority  
([cambridgeshirepeterborough-ca.gov.uk](https://cambridgeshirepeterborough-ca.gov.uk))

Cambridgeshire's Active Travel Strategy - Cambridgeshire County Council  
(<https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/transport-plans-and-policies/cambridgeshires-active-travel-strategy>)

it places the onus on, and a significant burden of risk with the authorities to improve the network long after the developer has left the scene. Be that as it may, similar to the other issues, the benefits claimed by the Applicant should therefore be assessed as being a time-limited one. And responsibilities passed on after the end of the project lifetime.

21. The compensation package must include mitigation delivered contemporaneously with the commencement of the operation of the development that addresses to help offset and address the adverse impact the development would have on local communities.
22. The mitigation package needs to be seen as integral to Stone Curlew mitigation, because additional public access in certain locations will help manage the recreational pressure by diverting people away from ecologically sensitive sites. It is also central to engaging heritage concerns. Such mitigation must be delivered.

END

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