

At Deadline 5 the Applicant responded [REP5-056] to the ExA Second Written Questions. In particular the ExA asked the Applicant (Q2.0.2) to comment on the matters I raised at Deadline 4 [REP4-076] regarding positions taken by the Planning Inspectorate on the matter of temporary use.

The Applicant notes that all but one of the Applications I cited were of local significance. I do not dispute this but it was not my point that these applications were analogous to the Sunnica scheme, only that in these applications and from a planning perspective the issue of temporary use had been considered and given little weight in the planning balance.

The matter of temporary use can be considered on its own merits, it is not dependent on the size of the project and increasing size does not make it more "temporary". Indeed, it could be considered that the occupation of significantly larger areas for a temporary period causes a greater amount of loss (albeit "temporary") than a smaller area. My point further rested on not if at some point in the future the land could or would be restored, but the local impact of that loss in the shorter term. I made the entirely valid point that some people living in the locality would not live to see the land restored and for them the loss would in effect be permanent.

The Applicant considers the relevance of decisions taken on smaller scale projects to be of limited importance, if any, to the scheme. I disagree, the scale of the Sunnica proposal deprives a greater number of people of the benefit of the land and is therefore of greater importance in the planning balance. That it deprives people of the land for a longer period than other schemes (40 years against 25) also requires greater weight to be given.

Whether the consenting regime is TCPA or DCO does not change how the matter of temporary use should be considered. Weight therefore should be given to the conclusions of Inspectors and the Secretary of State that the loss of land for a period of 25 years plus is of significance and that it is "temporary" should be given limited weight. There is no argument that in the case of Sunnica that the "temporary" use should be given greater weight than in other decisions.