

From: [REDACTED]
To: [Sunnica Energy Farm](#)
Subject: Sunnica Energy EN010106 /APP/8.73 - Comment on Deadline 5 Submissions
Date: 30 January 2023 16:00:19
Attachments: [image061897.png](#)
[image491786.png](#)
[image942484.png](#)
[image482145.png](#)
[image179754.png](#)
[image017180.png](#)
[image617665.png](#)
[image185185.png](#)
[Appendix 1.pdf](#)
[Appendix 2.pdf](#)
[Appendix 3.pdf](#)
[Appendix 4.pdf](#)
[Appendix 5.pdf](#)
[Appendix 6.pdf](#)
[Appendix 7.pdf](#)

Dear Sirs

Sunnica EN010106
Unique REF Nos: SUNN -AFP 191

This letter has three sections:

Section 1 – Response to EN010106/APP/8.73 Applicants Response to other parties
Deadline 4 Submissions.

A G Wright & Sons further replies and corrections to Applicants response at Deadline 4

1/ Irrigation – The MAFF 1988 Revised Guidelines and criteria for grading the quality of agricultural land clearly state on [P.27 of Deadline 5 submission 8.80 Agricultural Land Classification \(ALC\) Guidance](#) that the availability of irrigation ‘Will usually upgrade land by no more than one grade or subgrade’. Evidence of policy evolution [\[REP2-240d\]](#) details why this should remain the current guidance.

[TIN049 also attached in Deadline 5 submission 8.80](#) is the most recent document on ALC.

The second edition was published 19th December 2012 and refers to the 1988 Guidelines as the definitive document of land classification and makes no reference to a change in policy with regard to irrigation. Sunnica’s whole case therefore relies on an email dated 18th June 2019 [\[See APP115 – Annexe C p.21\]](#) from an employee of Natural England which claims that irrigation was removed from the ALC Guidelines in 1997. If this is the case why have the Guidelines not been updated to record the new position. There has been ample opportunity.

It is estimated that England and Wales have 150,000 ha of irrigated land in total [\[REP2-240d\]](#). The Sunnica site therefore amounts to nearly 1% of the total irrigated area of the UK. The majority of the UK irrigated area is not equipped with winter storage reservoirs as this area is. It is therefore disingenuous of the Applicant to put forward an argument that irrigation should be considered by the ExA in the context of urban fringe effects such as fly tipping and the dog worrying of livestock. The email dated 18/06/2019 referenced above states in the 1997 PPG7 Annexe B para B11 that irrigation should be considered as set out below:

‘ When irrigation is practised and water supplies are adequate and reliable, the

productive capacity of agricultural land and its importance relative to non-irrigated land of the same grade will often be significantly increased'. Water supplies on the Sunnica site are adequate as demonstrated by [REP2 097q and 097y] and reliable as set out below under the heading Availability of Water for Winter Filled Reservoirs even in a drought year such as 2022.

If the ExA are minded to agree with the Natural England officer opinion in the email dated 18/06/2019 despite what the Guidelines are clearly stating they are still guided by PPG7 7 Annexe B para B11 to take into account the significant effects of reliable irrigation. Which DBSC's report has failed to do.

Soil Inspection Pits. 3/15/23

1/ I attach a plan [appendix 1] which plots in red the soil pits dug by Daniel Baird Soil Consultants (DBSC) using the grid references supplied by DBSC. No plan was provided by DBSC despite it being a requirement of the British Society of Soil Science for adequate work in ALC and soil science generally.

2/ The location of the pits have been overlayed on the ALC strategic plan which shows a considerable area of potential BMV within the Sunnica site. DBSC only dug 6 pits in inappropriate locations within the site, only one (and that was on a roadside boundary so not truly representative) within the area mapped as likely to be BMV. The pits therefore cannot provide DBSC with a reliable baseline or conclusion. The Applicant quotes extensively the ALC survey for MAFF [APP115 -6.2 -Annexe B] this site is 189ha with 8 inspection pits dug the Sunnica site is 981ha with 6 pits, one of which is in an area withdrawn from the application.

3/ The location of the 5 pits that remain within the site are peculiar – 3 are on boundaries of the site and 2 are close together in an area predicted to be grade 4. Predicted BMV land is avoided by DBSC for four pit locations.

4/ Sunnica East Site A -230ha (see point 2 above 8 pits on 189ha) of predicted BMV has only one pit dug on the roadside boundary which is not representative of the site. and therefore cannot be informative to the report. DBSC's report finds 3 different soil types across this area. SNTS identify 7 soil types see [REP2-240d p134 para4.3]. One roadside pit in this whole area is totally inadequate.

5/ Why are there no photos of the pits? The photos of the unidentified archaeological trenches are presented as the only photos. No photos of the pits are submitted rendering the DBSC report unconvincing. Which is consistent with the findings of the of the Inspectors report in the Ripon case [REP2-240d P94-98 para 146-177] . In para 176 he describes DBSC work as 'largely unconvincing'.

6/ Why has the subsoil of the pits not been included in the laboratory samples, the only analysis is for topsoil stoniness and texture.

Natural England Predictive BMV and the Provisional ALC plans. 4/5

1/ These plans show significant areas of BMV estimated by SNTS to be up to 60%.DBSC found less than 1% on 924ha. 1% is so far away from what the two plans above predict that further professional interrogation of DBSC's report is needed.

2/ TIN049 Deadline 5 submission 8.80 as detailed above – Page 3 and I quote:
More recently, strategic scale maps showing the likely occurrence of best and most versatile land have been prepared. Using the map referred to SNTS calculate that 83% of the Sunnica Site is more than 60% likely to be BMV. This fits with SNTS prediction of up to 60% BMV on the site but is not consistent with DBSC less than 1% on 924ha.

Soil Depths 6/ & 18/

1/ The soil depths that DBSC report are misleading and do not reflect what was found on the boundary of Sunnica East Site A when SNTS dug their own soil pits. [See REP4 -058] a picture of SNTS pit 6 shown marked blue on the attached plan [appendix1]. The nearest auger boring on the Sunnica site to pit 6 (approx 2 metres) is LF164 [APP-115 – Annexe F] which states a lower depth of 30cm. This is not consistent with the picture of the pit in [REP4-058]

Comments of Survey Undertaken by Daniel Baird

Pont 1/ it is misleading to say that three separate survey providers concur that the site is predominantly Grade 3b and 4:

DBSC 924ha found less than 1%BMV –[APP115-Page 12B -12-Table 5-3]

ADAS for MAFF 189ha surveyed 37% BMV [APP115-Annexe – B -P49]

ADAS Southern Borrow pits 24ha surveyed 95% BMV [APP115-Annexe-B-P56]

RAC Worlington Pit 3ha surveyed 0%BMV [APP115- Annexe -A-P-19]

Point 3/ It is fundamental when assessing a farm business to know the amount of water available as set out in the 1997 PPG7 para B11 quoted above in irrigation point 1. To have omitted the availability of 304,576 m3 is an error and would impact on the farming circumstance of a business. This volume of water would allow for a further 150ha of potatoes to be grown on this farm.

Points 5/6/7 - the soil pits do not cover the range of soil types within the site – see above for detail.

In conclusion for the Applicant to say ' given the lack of agreement over how the ALC Guidelines are to be applied the Applicants view is that there is little to be gained by undertaking a joint survey' is extraordinary. The reason there is a lack of agreement is that DBSC's reports conclusions are not reflective of the land that has been surveyed. The methods DBSC have used do not comply with required industry practices and therefore provide a flawed conclusion. These same methods were used in the Ripon case and were dismissed by the Inspector as largely unconvincing [REP2-240d p94-98]

para146-177].

Other Matters

Points brought up in REP3A-035

Availability of Water for Winter fill reservoirs:

1/ The Applicant states at [REP2 – 112 P-25] that and I quote ‘ Summer drought conditions in 2022 are likely to constrain water availability into the 2023 growing season’ . I have attached a note [appendix 2] from Lindsay Hargreaves the spokesman for the Lark Abstractor Group in which he states that the water availability in the Lark Catchment area has recovered well and that all growers are confident of filling their reservoirs for the 2023 growing season.

2/ I can confirm on our farm we have a 145,474m³ reservoir which we started to fill under an Environment Agency licence [REP2-097g] from the River Kennett on 20th December 2022. Since that date we have pumped 116,917m³ within the licence conditions and our reservoir is now full ready for the 2023 growing season. I attach a photograph showing the reservoir full at [appendix 3]

3/ Natural England have asked DBSC for confirmation of the moisture balance calculations. SNTS requested these calculations in August 2022 and they were not supplied. RAC when analysing the results of DBSC ‘s report cannot find any reasonable formula for the conclusions DBSC’s report reaches. See [REP2 -24Od p137-138 para 5.14 to 5.17] which concludes ‘it has to be assumed that the DBSC droughtiness limitations have been derived without any sensible or consistent methodology being applied’ DBSC must provide details of the calculations they have used to validate the conclusions they have reached.

Livestock Farming in the Solar fields

P.80 – REP2-195 The applicant in reference to Loss of productive agricultural land that may never return -Furthermore the land can continue in agricultural production during operation of the scheme with sheep grazing the grassland below and between the solar panels. The agricultural land is therefore not lost.

It is not correct to state that the loss of irrigated productive arable land to solar which is replaced by sheep grazing under solar panels is a continuation of meaningful agriculture. It is disingenuous.

The reason this is not a valid statement:

- 1/ The grazing density of sheep under panels is less than one third.
- 2/ Winter grazing of sheep in solar fields is not successful
- 3/ Sheep rub against panel connections which break off and have to be replaced.

Hurdles have to be placed around combiner boxes.

- 4/ sheep are irregular grazers so mowing and spraying of grass is still required
- 5/ Having sheep in solar fields is labour intensive as dogs can not work successfully in solar panel fields
- 6/ solar panel operators do not like having sheep

Access to Sunnica site for soil surveys –

I attach a summary table [appendix 4] showing the fourth attempt by SNTS to access the site to verify the conclusions of the DBSC Baseline report [APP115].

I attach a copy of the letter dated 9th January which was sent to all 6 landowners [appendix5]

I attach a reply from Farmer F denying access unless express consent was given by both the Applicant and the landowners [appendix6]. Sunnica have consistently stated it is only the landowner who can decide who has access to the site for further soil sampling. This is clearly not correct.

Mrs Nicolle (Farmer A) and Mrs Reeks (Farmer B) also denied access.

Sunnica did not reply.

A follow up letter dated 17th January 2023 was sent out and not replied to by Farmers C,D, and E. [appendix 7]

30th January 2023

Jan Anderson
Accounts Manager



WRIGHTS DOWSON GROUP

33 Green End
Gamlingay
Bedfordshire
SG19 3LA
United Kingdom



Email [redacted]@dowsongroup.com

Web:



BRITTON PROCOL VALVES
WRIGHTS DOWSON GROUP



HELI-TEC SEGMENTS
WRIGHTS DOWSON GROUP

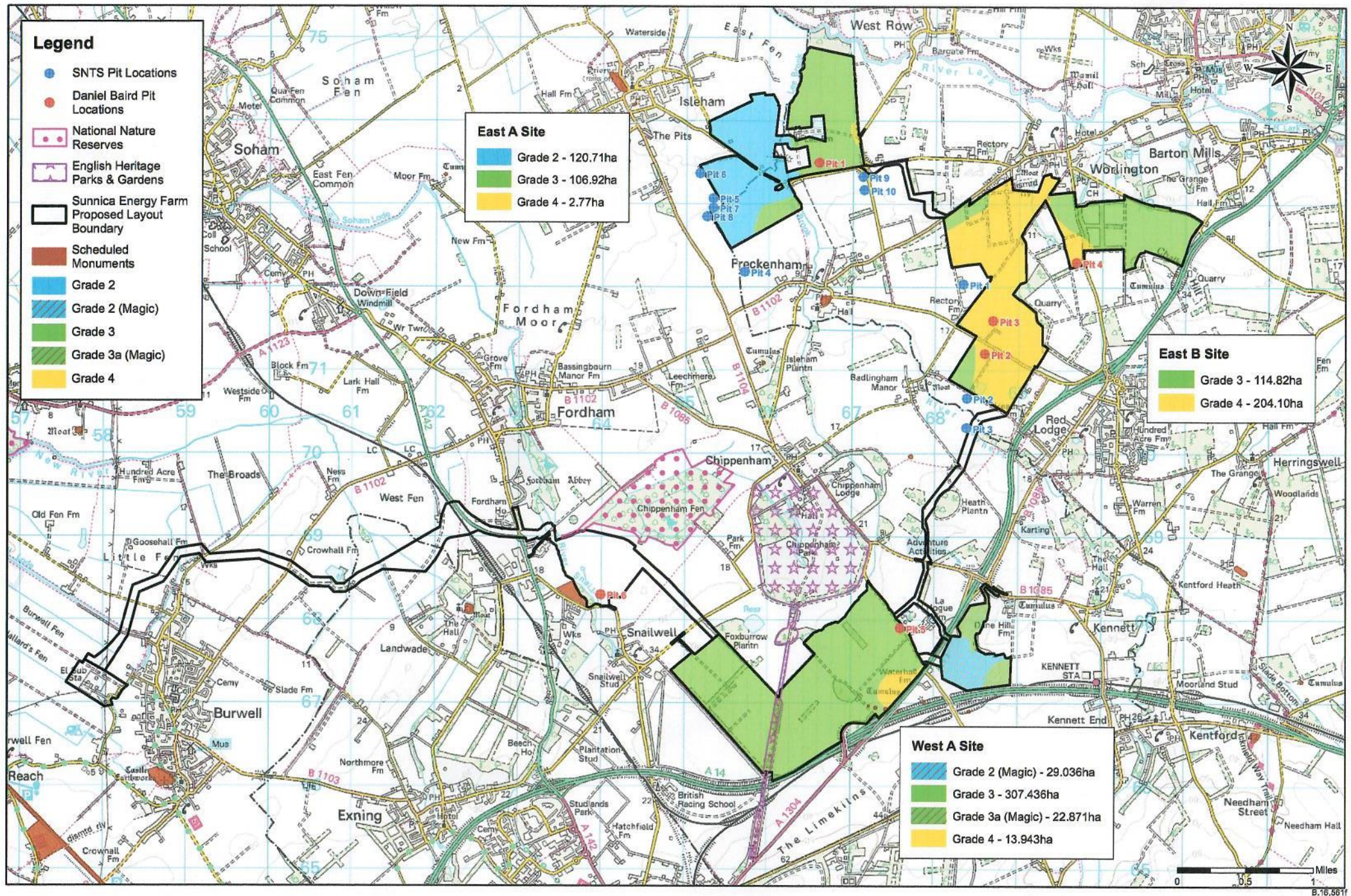


H&H PROCESS EQUIPMENT
WRIGHTS DOWSON GROUP



The contents of this e-mail and any files transmitted with it are confidential and are protected by Copyright. It is only intended for the recipient at the e-mail address to which it has been addressed and it may not be disclosed to or used by anyone other than the addressee, nor may it be reproduced, stored in a retrieval system or transmitted in any form or by any means whether electronic, mechanical or otherwise without the prior permission of Wrights Dowson Group. Any quotations, specifications, technical data and drawings attached to this e-mail are subject to Wrights Dowson Group terms and conditions

Sunnica Energy Farm Proposed Layout



24th January 2023

Note from Lindsay Hargreaves – Re: Lark Abstractors

Reliability of the Lark Catchment as a supply of water for irrigation of agricultural crops.

- The key measure of reliability is the confidence level an abstractor has in being able to abstract total annual licensed quantity (TALQ) in any year, or in a run of years.
- Conversely, the key measure of unreliability is the frequency and timing of instances when an abstractor is prevented from abstracting all or part of their TALQ and that some kind of business interruption is encountered.
- Most licences are governed by Hands-off Flow or Hands-off Level conditions (HoFs and HoLs), these are regulatory and objective, abstractors can make their own observations on likelihood in any period and mitigate accordingly.
- In more severe circumstances Section 57 notice under the 1991 Water Resources Act can be served, this happens where the resource availability is so constrained that there is a real risk of ecological damage if abstraction continues. This notice does not apply to irrigation from winter filled reservoirs.
- The S.57 process is unique to agricultural licences for the purpose of irrigation.
- In less severe but nevertheless stressed situations, the Environment Agency will seek a voluntary reduction in abstractions for a specified period, this applies especially to groundwater licences.
- In volume terms, most of the TALQ in the Lark is for winter surface water for storage and summer groundwater for direct application to crops.
- The chalk aquifer underlying the Lark is an important part of the region's water supply for all purposes including public water supply, agriculture, industry, leisure activities and most importantly, supporting the base flow in the river Lark and its tributaries.
- There have been very few, S.57 notices served on summer groundwater or winter surface abstractors for over 30 years.
- On four occasions summer groundwater abstractors have entered into voluntary agreements to reduce abstractions by up to 20% for specified periods.
- Whilst these have caused concern for abstractors, they have not caused significant business interruption with abstractors finding ways of mitigating impacts.
- Most surface water licences in the Lark are subject to HoF conditions and these are typically triggered at some point in most years.
- In most years these do not prevent abstractors accessing TALQ in storage (reservoir filling) situations over the entire reservoir filling periods.
- It is worth noting that following the exceptionally dry year of 2022 where the Lark experienced 8 consecutive months of rainfall below long term average levels, the flow in the Lark has held well into the winter and winter abstractors are on target to fill their reservoirs in good time.
- The chalk aquifer has responded well to recent rainfall and is recovering such that the risk to summer groundwater abstractions in 2023 is receding quickly.
- By any measure the Lark catchment can be regarded as a reliable source of water for those holding abstraction licences.
- There are occasions when water stress is encountered and these are at times noticeable, but history tells us they are relatively unusual and rarely damaging to abstractors.
- In summary, history shows that S.57 restrictions are rare, HoFs and HoLs are more common in summer than winter but are usually manageable, voluntary restrictions on groundwater abstractions are sought from time to time.

Lindsay
Hargreaves



Appendix.3.



Sunnica landowners response to access letter

29/01/2023

Farmer	Farming co / Farmer	Farmer contact	date first letter sent	Reply	comment
Farmer A	Chippenham Park	Nicolle	09/01/2023	yes	Already professionally surveyed - access not allowed
Farmer B	La Hogue	Tilbrook/Reeks	09/01/2023	yes	only allow access if others have -access not allowed
Farmer C	Lee Farm	Waters	09/01/2023	no *	
Farmer D	Moulton Manor Farms	Barran	09/01/2023	no *	
Farmer E		Mortlock	09/01/2023	no *	
Farmer F	Upton Suffolk farms	Upton	09/01/2023	yes	would have to get permission from Applicant and other landowners - no access allowed
Sunnica Ltd			09/01/2023	no *	

* A reminder letter was sent to those who did not reply on 17/01/2023 . We have received no replies to the second letter



Say No To Sunnica Action Group Ltd

9th January 2023

Dear

Sunnica – Application EN010106

We attach a plan showing the proposed Sunnica Energy Farm and we have edged in pink the land we believe to be in your ownership. Apologies if the boundaries are incorrect. Please do send back an accurate plan showing your ownership.

As you may have heard there has been considerable discussion both written and verbal about the soil types within the proposed Sunnica Scheme. It would therefore be extremely helpful to the examiners and the examination process if we could have access to your land to take a representative set of soil samples to verify the soil types found in the original survey.

We would like to carry out the survey with Sunnica's soil specialist present. We hope we will be able to arrange this in the near future so the work can be completed quickly. We will obviously keep any crop damage to a minimum.

We look forward to hearing from you with some suitable dates.

Yours sincerely

On behalf of Say No To Sunnica Action Group Ltd

Nick Wright

Appendix 6

From: No Sunnica [REDACTED]
Sent: 10 January 2023 19:45
To: Nick Wright; Anne Noble
Subject: Fwd:

----- Forwarded message -----

From: Hugo Upton [REDACTED]
Date: Tue, 10 Jan 2023, 18:21
Subject:
To: [REDACTED]

Dear J Anderson – Sunnica land survey

Thank you for your landowner request received 10 Jan to survey the Sunnica Energy project land. I'm afraid I'm not in a position to grant access or consent for you or Say No to Sunnica to soil sample the land without us first receiving the express consent of both the Applicant and the Landowners.

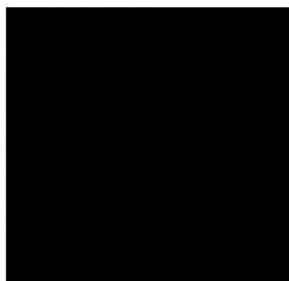
Yours

Hugo Upton

For

Upton Suffolk Farms tenants

Hugo Upton





Say No To Sunnica Action Group Ltd

17th January 2023

Dear

Sunnica application – EN0101066

Further to our letter dated 9th January 2023, please can you confirm if we can have access to your land to take soil samples accompanied by Sunnica's soil specialist. As explained, this is to verify the soil types found in the original soil survey.

We look forward to hearing from you.

Yours sincerely

Say No To Sunnica Action Group Ltd