

Your ref:
Our ref: SHN/JCP/JB
DD: [REDACTED]
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Date: 3 March 2023

The Examining Authority
Sunnica DCO

Dear Sirs

THE MITCHAM FAMILY – POST HEARING REPRESENTATIONS – REFERENCE 20031327

Bidwells made representations on behalf of the Mitcham family at CAH2 on 14th February 2023. I now write to confirm the points made and provide further details where appropriate. The four key points are summarised below.

- Areas over which rights are being requested is excessive.
- There has been no substantive clarity on timing and impact on the Mitcham family.
- Agricultural land quality is higher than stated in Sunnica's proposal.
- Negotiations are not being held reasonably.

Rights being requested

The rights requested by Sunnica in the draft DCO are excessively wide. Typically, along this scheme a final 10m easement is proposed, although in some areas for the Mitcham family it is much wider and up to 55m. However, powers are being requested over even wider areas (up to 99m). Whilst I understand from CAH2 that Sunnica do not believe these requests can be narrowed until detailed intrusive surveying is conducted, it is unacceptable to go into a DCO without having done the necessary work required to properly design a scheme route.

My client wants clarification from Sunnica on the route and whether there is a genuine willingness to discuss any movement of the proposed route, or a reasonable narrowing of the areas being requested for rights over.

Construction process and timing

Due to the spread of landholdings owned by the Mitcham family, they will be crossed by the Sunnica cabling at a number of different points and therefore are likely to be impacted during various phases of the construction. No substantive clarity has been provided on timings, which is not reasonable. This has an impact on the planning of the farming business.

Quality of agricultural land

There is concern by a number of affected parties of the soil testing carried out, as the submitted documentation suggests that the majority of land contained within the scheme is actually of relatively limited agricultural value. The Mitcham family's land does not fall within the actual solar sites, and so this does not directly impact them. However, the prevalence of local farming businesses growing high value

root crops would suggest higher quality agricultural land. Further soil testing could address this issue for both parties.

No soil testing has been carried out on the cable route. Whilst I appreciate Sunnica may not be required to test along the cable route, intrusive cable laying will have a long-term impact for the land affected. It will not be returned immediately to previous agricultural capacity once Sunnica leave site. The land is Grade 2, being very high quality and some of the best in the country.

Negotiations

Bidwells met Sunnica and various advisors, virtually, to discuss the Heads of Terms being proposed. Whilst the Schedule of Negotiations suggests that negotiations are ongoing, that is not a fair description.


Whilst my client is willing to discuss a consensual deal, it must be one where their opinion is heard and listened to. It is not a 'commercial negotiation' as described at CAH2 if one party refuses to move on any terms. Such negotiating exasperates landowners and agents.

We do not believe that all reasonable attempts at negotiation have been made by Sunnica, and it would appear that negotiations are carried out at face value only, in order to justify the need for compulsory purchase powers.

Scheme iterations

Professional experience of the A14 Improvement scheme, showed how an authority being granted powers over land for a scheme which has not been comprehensively designed, results in a wholly unacceptable impact on landowners.

The Sunnica DCO application has been updated a number of times. Whilst these changes have not directly impacted on the Mitcham family, it does concern us that the alterations suggest a scheme which was not ready for submission. That is not the intent of the DCO process.


Samuel Nobbs MRICS FAAV
Rural Surveyor