



# SUNNICA ENERGY FARM

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Volume 4

Statement of Reasons

APFP Regulation 5(2)(h)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and  
Procedure) Regulations 2009



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(Applications: Prescribed Forms and  
Procedure) Regulations 2009**

**Sunnica Energy Farm**

**Statement of Reasons**

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## Executive summary

### 1. Purpose and Structure of this Statement of Reasons

- a. This Statement of Reasons relates to the Application for a development consent order made by the Applicant to the Secretary of State under the Planning Act 2008 for powers to construct, operate (including maintenance) and decommission the Scheme.
- b. This Statement explains why it is necessary, proportionate and justifiable for the Application to seek powers of compulsory acquisition, and why there is a compelling case in the public interest for the Applicant to be granted these powers.
- c. The matters addressed in this Statement are summarised in this section. References to numbered sections or paragraphs are to sections or paragraphs of this Statement. Terms used in this Executive Summary are defined in the main body of this Statement of Reasons.

### 2. Description of the Project (Section 2)

- a. The Scheme is set out in detail at Schedule 1 to the **Sunnica DCO [REP6-013]**, and the areas in which each component (the Work Nos.) maybe constructed are shown on the **Works Plans [REP6-006 ]**.
- b. The Project is split into 10 Work Nos. as follows:

**Work No. 1 - a ground mounted solar photovoltaic generating station** with a gross electrical output capacity of over 50 megawatts on each of Sunnica East Site A (**Work No. 1A**), Sunnica East Site B (**Work No. 1B**) and Sunnica West Site A (**Work No. 1C**).

And associated development including –

**Work No. 2 - an energy storage facility** including for each of Sunnica East Site A (**Work No. 2A**), Sunnica East Site B (**Work No. 2B**) and Sunnica West Site A (**Work No. 2C**), a battery energy storage compound.

**Work No. 3 – an onsite substation** at each of Sunnica East Site A (**Work No. 3A**), Sunnica East Site B (**Work No. 3B**), and Sunnica West Site A (**Work No. 3C**).

**Work No. 4 – works to lay electrical cables** to connect the onsite substations (Work No. 3), the generating station (Work No. 1) and the existing National Grid Burwell Substation, and **temporary construction laydown areas** along the route of the cables.

**Work No. 5 – not used.**

**Work No. 6 – works to create, enhance and maintain green infrastructure** on each of Sunnica East Site A (**Work No. 6A**), Sunnica East Site B (**Work No. 6B**) and Sunnica West Site A (**Work No. 6C**).

**Work No. 7 – temporary construction laydown areas** on each of Sunnica East Site A (**Work No. 7A**), Sunnica East Site B (**Work No. 7B**) and Sunnica West Site A (**Work No. 7C**).

**Work No. 8 – warehouse buildings and permanent compounds** on Sunnica East Site A (**Work No. 8A**) and Sunnica East Site B (**Work No. 8B**).

**Work No. 9 - works to existing streets to facilitate access** to other parts of the Scheme.

**Work No. 10 – works to create and maintain a stone curlew reserve.**

- c. In addition, Schedule 1 to the DCO lists generic works which may be carried out anywhere within Work Nos. 1 to 10.
- d. The Sites will have two main access points: one on Sunnica East Site B and one on Sunnica West Site A. During construction, all small vehicles will access the Sites at these locations and park in the centralised car parks. Staff will then be distributed to the working area via minibus, using internal tracks within the Order limits. A number of secondary access points have been provided to access individual land parcels within full Order limits.

### **3. Description of the Sites and Order land (Section 3)**

- a. The area of the Sites extends to approximately 223 hectares ('ha') for Sunnica East Site A, 319ha for Sunnica East Site B and 373ha for Sunnica West Site A. The Sites generally consist of agricultural fields.
- b. The cable route is located within areas referred to as Grid Connection Route A and Grid Connection Route B, which connect the Sites and the Burwell National Grid Substation. The route crosses agricultural land and crosses various roads, footpaths and watercourses.
- c. The electricity generated by the Scheme would be transformed at the onsite substations and carried via 400kV to the Burwell National Grid Substation.
- d. There is also land included within the Order limits for the purposes of facilitating access to the Scheme from existing streets.

### **4. Compulsory Acquisition Powers (Section 4)**

- a. Section 120 of the PA 2008 provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the PA 2008 lists the matters ancillary to the development, which includes the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement.
- b. Section 122 of the PA 2008 provides that an order granting development consent may include provisions authorising the compulsory acquisition of land only if the Secretary of State, in respect of the Application, is satisfied that the land is required for the development to which the DCO relates and the land is required to facilitate or is incidental to that development.
- c. The Secretary of State must also be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO.

## 5. Need for the Compulsory Acquisition of Land and Rights (Section 5)

- a. Under section 122 of the PA 2008, compulsory acquisition powers may only be granted if the Secretary of State is satisfied that the land is required for the Scheme (or is required to facilitate it or is incidental to it), and if there is a compelling case in the public interest for inclusion of the powers.
- b. The CA Guidance related to procedures for the compulsory acquisition of land (DCLG, September 2013) also states that: there must be a clear idea how the land to be acquired is to be used and it must be no more than is reasonably required; there must be compelling evidence that the public benefits would outweigh the private loss from the acquisition; all reasonable alternatives to compulsory acquisition should have been explored; there are reasonable prospects of the required funds for the acquisition being available; and that the purposes for which the land is sought are legitimate and sufficient to justify interfering with the human rights of affected people.
- c. All of these matters are considered in this Statement, other than the availability of funding which is set out in the **Funding Statement [REP5-004]**.
- d. The Applicant requires powers of compulsory acquisition to ensure that the Scheme can be built, maintained and operated, and so that the Government's policies in relation to the timely delivery of new generating capacity and achieving ambitious net zero targets are met.
- e. The powers sought are:
  - i. **all interests in land, including freehold** (Article 18 in the Sunnica DCO) – shown edged red and shaded pink on the Land and Crown Land Plans. These areas include land needed for part of Work No. 1, Work Nos. 2 and 3, part of Work No. 4, part of Work No. 6, Work No. 8, part of Work No. 9 and Work No. 10 and relate to where PV panels, energy storage facilities, electrical compounds, works to lay electrical cables, office and warehouse buildings, permanent compounds, green infrastructure, works to facilitate access and the Stone Curlew reserve would be located;
  - ii. **new rights** (Article 20 in the Sunnica DCO) - shown edged red and shaded blue on the Land and Crown Land Plans. These areas are required for the installation, construction, operation and maintenance for part of Work No. 1 which is the solar PV panel infrastructure, part of Work No. 4 which is the grid connection route, part of Work No. 6 in relation to works to create, enhance and maintain green infrastructure, and Work No. 9 which is works to existing streets to facilitate access;
  - iii. **extinguishment and/or suspension of rights** (Article 21 in the Sunnica DCO). The Applicant has included these powers to ensure that easements and other private rights affecting the Order land are extinguished or suspended, so that the Scheme can be constructed and operated without hindrance;
  - iv. **subsoil only** (Article 23 in the Sunnica DCO). This allows the Applicant to acquire the subsoil rights only in land;



- v. **temporary use of land to permit construction or maintenance** – (Articles 27 and 28 in the Sunnica DCO) – the Applicant can take temporary possession of plot 21-04 and any other Order land where it has not yet exercised powers of compulsory acquisition.
- f. It is noted that Work No. 7 (temporary construction laydown areas within the Sites) is not expressly listed in connection with any of the above powers. Land used for the purposes of Work No. 7 would only be required temporarily, and so no permanent interest or right in plots covered by Work No. 7 on the Works Plans is required for the purpose of Work No. 7. However, those plots also fall within other works numbers and so those plots are the subject of powers of freehold acquisition or the acquisition of new rights, for Work Nos. other than Work No. 7. There are no plots which are needed only for the purpose of Work No. 7.
- g. The Applicant considers that in the absence of these powers, the Order land may not be assembled, uncertainty will continue to prevail, and its objectives and Government policy objectives would not be achieved.
- h. The Applicant has been seeking to acquire the relevant freehold interests, new rights and temporary use of land by private treaty, in order to ensure implementation of the Scheme. Whilst some voluntary agreements have been entered into with freehold owners, it has not yet been possible to acquire all interests by agreement. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire the land, the rights and other interests in, on and over the land, the temporary use of land, as well as secure the removal of matters affecting the Order land that may impede the Scheme, wherever possible. This approach of seeking powers of compulsory acquisition in the Application for the DCO and, in parallel, conducting negotiations to acquire land by agreement, accords with page 6 of the CA Guidance.
- i. This Statement (alongside the **Schedule of Negotiations and Powers Sought [REP6-021]**) sets out the position in relation to the negotiations undertaken to date with affected owners, occupiers and others. In summary, at the time of writing, agreements have been entered into with some landowners of the Sites and negotiations with the remaining major landowners of the Sites are at an advanced stage and it is hoped agreement will be reached shortly. The Applicant has not yet reached agreement with other landowners within the Order limits.
- j. The Applicant has sought to use alternatives to compulsory acquisition but considers that these would not achieve their objectives nor the substantial public benefits that will arise from the Scheme. The 'do nothing' scenario is not appropriate as it would represent a lost opportunity for additional investment in the local economy and to contribute to meeting the country's net zero targets and decarbonisation. The Sites have been selected by the Applicant for a number of technical, environmental and other reasons, and are highly suitable for the Scheme.
- k. The Applicant also considered three options for the grid connection route. None of the alternatives would provide the compelling benefits that the chosen route for the Scheme will provide, or would involve additional impacts or disadvantages in terms of land take, environmental, technical or other considerations.
- l. The Applicant has sought to acquire the necessary land and rights by agreement, and whilst it has reached agreement with some freehold owners of the Sites and is in advanced negotiations with the other freehold owners for the Sites, the Applicant has not been able to enter voluntary agreements with all landowners at this time.

Whilst it will continue to seek to acquire the land and rights by voluntary agreement, it requires the powers of compulsory acquisition sought in order to provide certainty that they will have all the land required to construct and operate the Scheme, in order to realise its very significant public benefits.

## **6. Justification for the Use of the Powers of Compulsory Acquisition (Section 6)**

- a. The principal justification for the use of powers of compulsory acquisition arises from the following, that the Scheme:
  - i. meets an urgent need for new energy infrastructure;
  - ii. is a form of economic development that is suitable in its local context;
  - iii. minimises or mitigates adverse impacts to an acceptable degree; and
  - iv. is compliant with NPS EN-1, NPS EN-3, Draft NPS EN-1 and Draft NPS EN-3 which are important and relevant factors under section 105 of the PA 2008.
- b. The Scheme is a substantial infrastructure asset, capable of delivering large amounts of low-carbon electricity - along with other solar schemes, it is of critical importance on the path to Net Zero. The meaningful and timely contributions offered by the Scheme to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life, will be critical on the path to Net Zero. Without the Scheme, a significant and vital opportunity to develop a large-scale low-carbon generation scheme will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.
- c. This Scheme is a leading large-scale solar scheme and is an essential stepping-stone towards the future of efficient decarbonisation through the deployment of large-scale, technologically and geographically diverse low-carbon generation schemes. This Scheme addresses all important aspects of existing and emerging government policy.

## **7. Policy Support (Section 7)**

- a. Although it has not been possible to avoid all impacts from the Scheme, these have been minimised, where possible, through careful and detailed mitigation strategies. When considered against the NPS and NPPF, the Scheme accords with relevant policies, and with regard to specific policy tests, the national and local benefits of the Scheme outweigh its adverse impacts. The Scheme is also considered to be broadly consistent with relevant local planning policy. Therefore, overall the Scheme benefits from substantial policy support and development consent should be granted in order for the Scheme to contribute to meeting the Government's objectives and commitments for the energy system, which are set out in its energy and planning policy.

## **8. Special Considerations (Section 8)**

- a. There is a Crown interest within the Order limits. The Order includes an Article protecting the position of the Crown. The Applicant has approached the Secretary of State for Transport in order to secure the rights and access necessary to carry out

the relevant parts of the authorised development and to obtain the consent of the Crown to the inclusion of provisions applying in relation to Crown land.

- b. Various land or apparatus of statutory undertakers is affected by the Scheme. The Applicant has included protective provisions within the Order and separately either has agreed, or is seeking to agree, these with each statutory undertaker.

## **9. Other Consents and Orders (Section 9)**

- a. The Applicant requires various other consents, as well as a DCO, in order to build and operate the Scheme. These include:
  - i. Electricity Generation Licence (granted November 2020);
  - ii. Water abstraction of impoundment licence;
  - iii. Bilateral Connection Agreement with National Grid to connect to the National Electricity Transmission System;
  - iv. Permit for Transport of Abnormal Loads; and
  - v. Health and Safety related consents.
- b. The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Scheme proceeding. Further details on these are set out in the Consents and Agreements Position Statement.

## **10. Human Rights (Section 10)**

- a. The Sunnica DCO has the potential to infringe the human rights of persons who own property or have rights in the land proposed to be acquired pursuant to the Sunnica DCO.
- b. The Applicant considers that there would be very significant public benefit arising from the making of the Sunnica DCO. That benefit can only be realised if the Sunnica DCO includes compulsory acquisition powers, and the purpose for which the land is sought (to build and operate the Scheme) is legitimate.
- c. The Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition. The Applicant considers that it would, therefore, be appropriate and proportionate for the Secretary of State to make the Sunnica DCO, including the compulsory acquisition powers sought.

## **11. Further Information (Section 12)**

- a. Owners and occupiers of property affected by the Sunnica DCO who wish to negotiate a sale or discuss matters of compensation should contact Lynn McHale of WSP (telephone – [REDACTED] email – [REDACTED]@wsp.com).
- b. Provision is made by statute for compensation for the compulsory acquisition of land. Helpful information is given in the series of booklets published by the Department for Communities and Local Government entitled "Compulsory Purchase and Compensation". Copies of these booklets are obtainable, free of charge, from: <https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>.



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# 1 Introduction

## 1.1 Overview

- 1.1.1 This Statement of Reasons has been prepared on behalf of Sunnica Limited (the '**Applicant**'). It forms part of the application (the '**Application**') for a Development Consent Order (a '**DCO**'), that has been submitted to the Secretary of State for Business, Energy and Industrial Strategy ('**Secretary of State**'), under section 37 of 'The Planning Act 2008' (the '**PA 2008**').
- 1.1.2 The Applicant is seeking development consent for the construction, operation (including maintenance) and decommissioning of a new solar farm proposal that would deliver electricity to the national electricity transmission network. The Applicant will use ground mounted solar photovoltaic ('**PV**') panel arrays to generate electricity energy from the sun and combine these with a Battery Energy Storage System ('**BESS**') (the '**Scheme**'). A DCO is required for the Scheme as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a '**NSIP**') under sections 14(1)(a) and 15 of the PA 2008. The DCO, if made by the Secretary of State, would be known as the 'Sunnica Energy Farm Order' (the '**Sunnica DCO**').

## 1.2 The Applicant

- 1.2.1 The Applicant is Sunnica Limited (company number 08826077), a company registered in England and Wales. Sunnica is funded by Los Dalton de Pozoseco S.L. (NIF B72617475) ("**LDP**"). LDP is a company registered in Spain. LDP replaces the previous parent company which was Solaer Holdings and which was referred to in previous revisions of this document. Solaer Holdings was sold to Solarpack and the sale includes projects under development in Spain and Italy but excluded projects in the UK which were retained. It was necessary to set up a new holding company to hold the remaining assets, which included Sunnica.
- 1.2.2 The majority shareholder of the Applicant is Jigg FM UK Ltd, a company registered in England and Wales under company number 11494026. The ownership of Jigg FM UK Limited is as follows:
- a. 60% is owned by Padero Solaer Limited ('**Padero**'), a company registered in England and Wales under company number 08021337. The trading name of Padero is PS Renewables; and
  - b. 40% is owned by Solaer UK Limited ('**Solaer**'), a company registered in England in Wales under company number 08581872.
- 1.2.3 Jigg FM UK Ltd, Padero and Solaer are all group companies of LDP.
- 1.2.4 Funding is provided from LDP to Jigg FM UK Limited who then transfers the funding to Sunnica Limited. LDP currently has assets of over €17,911,123.92 and LDP's owners have current assets of over €150 million. More information on the corporate structure of the Applicant and its financials is presented in the **Funding Statement [REP5-005 updated at Deadline 7]**.
- 1.2.5 LDP's directors previously operated Solaer Holding SL and that company has significant experience in delivering multiple projects across the globe. It has been active in the solar market since 2004 and has developed more than 200 different projects totalling more than 1.5 GW of photovoltaic capacity. Included

at Appendix C of the **Funding Statement [REP5-005]** are details of some of the projects that Solaer Holding has already successfully brought forward. It shows a very significant amount of experience in the solar market across the globe, working with high-profile investors.

### 1.3 The Sites

- 1.3.1 The Scheme spans three sites: the Sunnica East Site A, Sunnica East Site B and Sunnica West Site A (defined as the "**Sites**"). These will be linked by a cable corridor, which will connect the Scheme to the NationalGrid at Burwell Substation in Cambridgeshire.
- 1.3.2 The Scheme includes the associated electrical infrastructure for connection to the national transmission system at the existing substation known as the Burwell National Grid Substation. The electricity generated by the Scheme would be transformed from 33kV to 400kV at the three onsite substations before being carried directly to the existing Burwell National Grid Substation under the Grid Connection Routes on 400kV electrical cables. The cables will run between Sunnica East Site A, Sunnica East Site B and Sunnica West Site A ('Grid Connection Route A'), and then from Sunnica West Site A onwards to the vicinity of the existing Burwell National Grid Substation ('Grid Connection Route B') (**Work No. 4**). The cables will be connected directly into the existing Burwell National Grid Substation by 400kV cable (**Work No. 4**).
- 1.3.3 The Order limits are the area within which the Scheme may be carried out. The Order limits are shown on the **Land and Crown Land Plans [REP6-004 ]** and **Works Plans [REP6-006]**.
- 1.3.4 Information about the Sites and other land within the Order limits, including the current land use and any environmental sensitivities, is provided in greater detail in **Chapter 2 (Scheme Location) [APP-034]** of the **Environmental Statement**, however a summary is provided below:-

#### **Sunnica East Site A**

- 1.3.5 Sunnica East Site A encompasses an area of approximately 223ha and is located approximately 3.5 kilometres (km) east of Mildenhall, 0.5km south-east of Isleham and 0.6km south-west of West Row. The Sunnica East Site A straddles the boundary between the counties of Cambridgeshire and Suffolk and falls within the administrative areas of East Cambridgeshire District Council (ECDC) and West Suffolk Council (WSC). The developable area, which will contain the solar photovoltaic (PV) panels, battery energy storage systems (BESS), and associated infrastructure, comprises 115ha with the remaining area set aside for environmental mitigation and enhancement.

#### **Sunnica East Site B**

- 1.3.6 The Sunnica East Site B encompasses an area of approximately 319ha and is located approximately 1.5km south-east of Mildenhall, 1.5km east of Freckenham and immediately south of Worlington. The Sunnica East Site B lies within the country of Suffolk and in the WSC administrative area. The developable area, which will contain the solar PV panels, BESS, and associated infrastructure, comprises 227ha with the remaining area set aside for environmental mitigation and enhancement.

### **Sunnica West Site A**

- 1.3.7 The Sunnica West Site A encompasses an area of approximately 373ha and is located approximately 1km south of Chippenham and 1.5km west of Kennett. It is bounded by the A14 to the south and straddles the A11 to the east. The Sunnica West Site A lies within the county of Cambridgeshire and in the ECDC administrative area. The developable area, which will contain the solar PV panels, BESS, and associated infrastructure, comprises 256ha with the remaining area set aside for environmental mitigation and enhancement.

### **Sunnica West Site B**

- 1.3.8 The Sunnica West Site B was formerly located to the north-east of Snailwell and approximately 5.5km east of Burwell. On 25 January 2023 the Examining Authority accepted the Applicant's Change Request of 13 January 2023 and the land for solar PV and associated infrastructure was removed from the Order limits on 30 January 2023 at Deadline 6. Part of the land which formerly comprised Sunnica West Site B still remains within the Orders limits and will now form part of Grid Connection Route B.

### **Cable Route**

- 1.3.9 The Scheme will be connected to the existing Burwell National Grid Substation. The cable route for Grid Connection Route A runs between Sunnica East Site A, Sunnica East Site B and Sunnica West Site A. The cable route for Grid Connection Route B traverses between Sunnica West Site A and onwards to the Burwell National Grid Substation.



## 1.4 Project Description

1.4.1 The Scheme contains one generating station (the NSIP), which is described below together with all associated development comprising the Scheme:

**Work No. 1 - a ground mounted solar photovoltaic generating station** with a gross electrical output capacity of over 50 megawatts including: solar modules; solar stations; electrical cables including electrical cables connecting to an onsite substation (Work No. 3); monitoring and control systems housed within a control room building or container; and weather stations and direct current electrical boxes, on each of Sunnica East Site A (**Work No. 1A**), Sunnica East Site B (**Work No. 1B**) and Sunnica West Site A (**Work No. 1C**).

And associated development including –

**Work No. 2 - an energy storage facility** including for each of Sunnica East Site A (**Work No. 2A**), Sunnica East Site B (**Work No. 2B**) and Sunnica West Site A (**Work No. 2C**) a battery energy storage compound comprising: battery energy storage cells; structure(s) protecting the battery energy storage cells, mounted on a reinforced concrete foundation slab or concrete piling; heating, ventilation and air conditioning (HVAC) or liquid cooling systems; battery stations; monitoring and control systems; electrical cables including electrical cables connecting to the onsite substations (Work No. 3); fire safety infrastructure; and water storage for the purposes of firefighting.

**Work No. 3 – an onsite substation** at each of Sunnica East Site A (**Work No. 3A**), Sunnica East Site B (**Work No. 3B**), and Sunnica West Site A (**Work No. 3C**), with a shunt reactor (Sunnica East Site B only), a control building or container, welfare facilities, hardstanding areas and electrical cables connecting to the generating station (Work No. 1), battery energy storage (Work No. 2) and the cables (Work No. 4) connecting to the National Grid Burwell Substation (Work No. 4).

**Work No. 4 – works to lay electrical cables** to connect the onsite substations (Work No. 3), the generating station (Work No. 1) and existing National Grid Burwell Substation, and **temporary construction laydown areas**.

**Work No. 5** – not used.

**Work No. 6 – works to create, enhance and maintain green infrastructure** on each of Sunnica East Site A (**Work No. 6A**), Sunnica East Site B (**Work No. 6B**) and Sunnica West Site A (**Work No. 6C**).

**Work No. 7 – temporary construction laydown areas** on each of Sunnica East Site A (**Work No. 7A**), Sunnica East Site B (**Work No. 7B**) and Sunnica West Site A (**Work No. 7C**).

**Work No. 8 – warehouse buildings and permanent compounds** on Sunnica East Site A (**Work No. 8A**) and Sunnica East Site B (**Work No. 8B**).

**Work No. 9 - works to existing streets to facilitate access** to other parts of the Scheme.

**Work No. 10 – works to create and maintain a stone curlew reserve.**

In addition, Schedule 1 to the DCO lists generic works which may be carried out anywhere within Work Nos. 1 to 10.

- 1.4.2 The “Associated Development” for the purposes of section 115 of the PA 2008 comprises Work Nos. 2 to 10, and further associated development as set out in the final paragraph of Schedule 1 “Authorised Development” to the Sunnica DCO.
- 1.4.3 A more detailed description of the Scheme is provided at Schedule 1 'Authorised Development' of the **Sunnica DCO [REP6-013]** and **Chapter 3 (Scheme Description)** of the **ES Volume I [REP2-022]** and the areas within which each of the main components of the Scheme are to be built are shown by the coloured and hatched areas on the **Works Plans [REP6-006]**.

## 1.5 The purpose and structure of this document

- 1.5.1 This statement is one of a number of documents required to support the Application submitted to the Secretary of State and should be read together with those documents.
- 1.5.2 The purpose of this document is to explain why it is necessary, proportionate and justifiable for the Applicant to seek powers of compulsory acquisition within the Application to acquire land, acquire or create rights over land, to extinguish or suspend rights over land, and to temporarily use land for the purposes of the Scheme, and why there is a compelling case in the public interest for the Applicant to be granted these powers.
- 1.5.3 This document has been prepared in accordance with the requirements of section 37(3)(d) of the PA 2008, Regulations 5(2)(h) and 5(2)(n) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the '**APFP Regulations**'), and the 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (DCLG, September 2013) (the '**CA Guidance**').
- 1.5.4 This Statement should be read alongside the other DCO Application documents that relate to the compulsory acquisition powers sought by the Applicant and the need for the Scheme, including:
- Schedule of Negotiations and Powers Sought [**REP6-021**];
  - Land and Crown Land Plans [**REP6-004**];
  - Works Plans [**REP6-006**];
  - The draft Sunnica DCO [**REP6-013**];
  - Explanatory Memorandum [**REP6-015**];
  - Consents and Agreements Position Statement [**REP2-017**];
  - Funding Statement [**REP5-005**];
  - Book of Reference [**REP6-017**]; and
  - Planning Statement [**APP-261, APP-262 and REP1-015**].

## 2 Description of the Scheme

### 2.1 Overview

This section provides further detail on the components of the Scheme. The development to which the Sunnica DCO applies is set out at Schedule 1 to the Sunnica DCO and is called the 'authorised development' in that document. The Works Plans show the areas in which the parts of the Scheme may be constructed.

### 2.2 Sunnica East Site A

- 2.2.1 The developable area, which will contain the solar photovoltaic ('**PV**') panels, battery energy storage systems ('**BESS**'), and associated infrastructure, comprises 115ha with the remaining area set aside for environmental mitigation and enhancement.
- 2.2.2 The Solar PV modules (Work No. 1A) will convert sunlight into electrical current (as direct current ('**DC**')). The mounting structures provide structural support to the modules. The modules will be either 'monofacial', meaning that they consist of a series of PV cells (typically 144 cells per module) beneath a layer of toughened glass on the upper surface of the module or 'Bifacial' modules which have PV cells and toughened glass on both the upper and lower surface, allowing sunlight to be converted to electricity on both sides of the panel or the Scheme may use a combination of both types of modules.
- 2.2.3 The modules will be fixed to a mounting structure in groups known as 'strings'. Each string will run to a DC electrical box that normally sits on the back of a module. Up to 30 strings could connect to a DC electrical box. The DC electrical boxes then run to the inverters, with up to 20 DC electrical boxes per inverter. The above set up may be subject to change based on the most up to date technology available at the time of construction. The modules will have a fixed south facing orientation at a slope of between 15 to 35 degrees from horizontal to maximise solar irradiation to the modules. Each rack of modules will be mounted on a galvanized steel rack or other material design. The separation between each row of racks will be approximately 2m to 11m, dependent upon the local ground topography, to allow for appropriate maintenance.
- 2.2.4 The BESS (Work No. 2A) is designed to provide peak generation and grid balancing services to the electricity grid by allowing excess electricity generated either from the solar PV panels, or imported from the electricity grid, to be stored in batteries and dispatched when required. The Scheme is an AC-coupled system, so the BESS will be located together in a centralised area, which can be installed, operated and maintained easily. The batteries within the BESS compound will be housed within containers which may be modular and joined depending on equipment choice to be determined at detailed design stage. Battery stations comprising transformers, switchgear, power conversion systems ("**PCS**") or inverters, and other ancillary equipment will be installed within the BESS compound. These will either be located outside or housed together within a container. Each battery container will require a heating ventilation and cooling system ("**HVAC**") or liquid cooling system which will be integrated into the containers or housed separately in its own container or control room and a

monitoring and control system will be located within the BESS compound to operate, isolate and control the export of power from the BESS. The BESS area within Sunnica East Site A will be up to 66,000m<sup>2</sup>.

- 2.2.5 A substation (Work No. 3A) will be located alongside the BESS. The substation will consist of electrical infrastructure such as transformers, switchgear and metering equipment required to facilitate the export of electricity from the Sites to the Burwell National Grid Substation.
- 2.2.6 Low voltage onsite electrical cabling is required to connect the PV modules and BESS to inverters (typically via 1.5/1.8 kilovolt (kV) cables), and the inverters to the transformers onsite (typically via 0.6/1.0 kV cables). Cables for the earthing system and cables for the auxiliary supplies will also form part of the onsite cabling system. Higher rated (high voltage) cables, 33 kV, are required between the transformers and the switchgears and from switchgears to the onsite substation.
- 2.2.7 An office/warehouse building will be provided for use during operation (Work No. 8A). Within or near the warehouse building is anticipated to be office and mobile welfare units, canteens, storage and waste skips, parking areas, permanent compound areas, and warehouse facilities for the storage of spare parts.
- 2.2.8 The Green Infrastructure Strategy (Work No. 6A) includes offsetting from Worlington and Isleham and from key local routes such as the Beck Road; siting the BESS compound adjacent to the water reservoirs; and avoiding areas of buried archaeology. In addition, new planting of native grassland is proposed and new woodland and hedgerow planting and infilling will ensure the onsite infrastructure is screened from key receptor locations. A new permissive path is proposed adjacent to Beck Road and will increase the recreational value across Sunnica East Site A by providing increased connectivity between Freckenham, and the southern edge of Isleham.

## **2.3 Sunnica East Site B**

- 2.3.1 The developable area, which will contain the solar PV panels, BESS, and associated infrastructure, comprises 227ha with the remaining area set aside for environmental mitigation and enhancement.
- 2.3.2 Sunnica East Site B includes Solar PV modules (Work No. 1B) and BESS (Work No. 2B) as for Sunnica East Site A. The BESS compound within Sunnica East Site B will be up to 162,000m<sup>2</sup>.
- 2.3.3 A substation will be located alongside the BESS (Work No. 3B). The substation will consist of electrical infrastructure such as the transformers, switchgear, shunt reactor and metering equipment required to facilitate the export of electricity from the Sites to the Burwell National Grid Substation. Onsite low and high voltage electrical cabling will also be provided as well as an office/warehouse building (Work No. 8B), as for Sunnica East Site A.
- 2.3.4 The Green Infrastructure Strategy (Work No. 6B) includes offsetting from Freckenham and Worlington and from key local routes such as the B1102 Freckenham Road and Newmarket Road; siting the BESS compound away from the local villages; and avoiding buried archaeology. In addition, new planting of native grassland is proposed and new woodland and hedgerow planting and



infilling will ensure the onsite infrastructure is screened from key receptor locations. Two new permissive paths are proposed within Sunnica East Site B, the first will provide access from the existing unclassified road (U6006) across the north of Sunnica East Site B to connect with Golf Links Road and the second will run adjacent to Elms Road and around the perimeter of Sunnica East Site B, which will connect U6006 with PRow W-257/003/0 which runs to Red Lodge.

## **2.4 Sunnica West A**

- 2.4.1 The developable area, which will contain the solar PV panels, BESS, and associated infrastructure, comprises 256ha with the remaining area set aside for environmental mitigation and enhancement.
- 2.4.2 The Solar PV modules (Work No. 1C) and the BESS (Work No. 2C) will be provided as for the Sunnica East Sites. The BESS compound within Sunnica West Site A will be up to 83,000m<sup>2</sup>.
- 2.4.3 A substation will be located alongside the BESS (Work No. 3C), as for the Sunnica East Sites, and low and high voltage onsite electrical cabling.
- 2.4.4 The Green Infrastructure Strategy (Work No. 6C) includes offsetting from Snailwell and Chippenham Registered Park and from key local routes such as the Chippenham Road; siting the BESS compound to take advantage of existing planting; and avoiding areas of buried archaeology. In addition, new planting of native grassland is proposed and new woodland and hedgerow planting and infilling will ensure the onsite infrastructure is screened from key receptor locations.

## **2.5 Grid Connection Route A and Grid Connection Route B**

- 2.5.1 Grid Connection Route A (Work No. 4) runs between Sunnica East Site A, Sunnica East Site B and Sunnica West Site A. Heading south-east from Sunnica East Site A, the cable route for Grid Connection Route A crosses agricultural land and the B1102 immediately north of Sunnica East Site B. The cable route then passes through Sunnica East Site B before running south, crossing the River Kennett and Havacre Meadows and Deal Nook CWS using boring, micro-tunnelling or moling methods. The cable route corridor then crosses the Chippenham footpath 49/7, before passing approximately 20m west of the Chippenham Gravel Pit CWS and crossing the B1085, before then joining Sunnica West Site A.

- 2.5.2 Grid Connection Route B (Work No. 4) connects Sunnica West Site A with the Burwell National Grid Substation. Heading north-west from Sunnica West Site A, the cable route crosses Chippenham Road, Snailwell 1 PRow and the River Snail. Heading west from the River Snail, the cable route corridor for Grid Connection Route B crosses a PRow 92/19 before crossing the railway line and the A142 Newmarket / Fordham Road, using boring, micro-tunnelling or moling methods. The cable route corridor for Grid Connection Route B crosses agricultural fields and a number of roads including the B1102 and A142. Grid Connection Route B also crosses a number of watercourses, including the Burwell Lode, New River, and the River Snail, as well as a number of drainage ditches associated with Burwell Fen, Little Fen, the Broads, and agricultural drains. As such, the cable route for Grid Connection Route B passes through multiple areas of Flood Zones 2 and 3. For the main watercourses, the cable route crossings will require boring, micro-tunnelling or moling methods. For shallower and narrower drainage ditches, open cut trenching will be undertaken.
- 2.5.3 The grid connection solution the Scheme will require 1 circuit of 400 kV cables with each circuit comprised of up to three sets of cables per circuit. The number of circuits will depend on several factors: the conductor material (copper or aluminium), the soil thermal resistivity, and the total capacity of the Scheme.
- 2.5.4 Cables will be combined either in a single trench with a maximum width of up to 3.5m and a maximum depth of 2m or in two (or more) trenches when crossing roads or other constraints with specific technical engineering challenges such as Network Rail. The working width which is required for material laydown and construction equipment is expected to be 30m across the majority of the cable corridor; however, the working width increases to 50m and 100m along limited sections of the cable corridor where particular environmental and engineering constraints exist (further detail is included in Appendix A).
- 2.5.5 The cables will be laid directly into the trenches, or ducting will be installed, and the cables pulled through the ducting. Where the cable route encounters obstacles such as tree root systems, the width of the cable route (both permanent and temporary) may change locally.
- 2.5.6 Joint bays will be required every 500m to 2km to join sections of cable together. At this stage, a maximum of 90 joint bays are anticipated. The dimensions of these are determined by how many sets of cables will be in the joint bay. The distance between joint bays will be determined through the design process and is dependent on existing infrastructure along the cable route, cable specification and cable delivery limitations. Up to 30 fibre bays will be provided up to every 2000m.

## 2.6 Works to Burwell National Grid Substation

- 2.6.1 The electricity generated by the Scheme would be transformed from 33kV to 400kV at the three onsite substations before being carried directly to the existing Burwell National Grid Substation under the Grid Connection Routes on 400kV electrical cables. The cables will run between Sunnica East Site A, Sunnica East Site B and Sunnica West Site A ('Grid Connection Route A'), and then from Sunnica West Site A and onwards to the vicinity of the existing Burwell National Grid Substation ('Grid Connection Route B') (**Work No. 4**) directly into the existing Burwell National Grid Substation by 400kV cable (**Work No. 4**).

## **2.7 Temporary construction laydown areas**

2.7.1 Temporary construction compounds will be established throughout the Sites for the construction phase (Work No. 7). One will be located within Sunnica East Site A (Work No. 7A), five within Sunnica East Site B (Work No. 7B), and three will be located within Sunnica West Site A (Work No. 7C).

Temporary construction compounds will consist of the following:

- a. areas of hardstanding;
- b. car parking;
- c. site and welfare offices and workshops (Sunnica East Site A and B only);
- d. security infrastructure, including cameras, perimeter fencing and lighting;
- e. site drainage and waste management infrastructure (including sewerage);  
and
- f. electricity, water, waste water and telecommunications connections.

2.7.2 A number of construction laydown areas will be required for the construction of the cable route (Work No. 4). The number of construction laydown areas will be defined during detailed design; however, there will be a maximum of 15, one per construction zone. These will consist of the following:

- a. areas of hardstanding, compacted ground or track matting;
- b. car parking;
- c. area to store materials and equipment;
- d. site and welfare offices and workshops;
- e. security infrastructure, including cameras, perimeter fencing and lighting;
- f. safety infrastructure to warn and manage traffic when crossing roads or other obstacles;
- g. site drainage and waste management infrastructure (including sewerage);  
and
- h. electricity, water, waste water and telecommunications connections.

## **2.8 Stone curlew mitigation**

2.8.1 A maximum of ten 2ha plots will be created across Sunnica East Sites A and B, infields where Stone Curlew have been recorded during surveys (Work No. 10). To maximise the potential for take up, two plots have been allocated per pair. Plots unoccupied for nesting will contribute an important resource for foraging pairs.

Three are proposed in Sunnica East Site A and four across Sunnica East Site B. The new plots will be provided in advance of the loss of any existing habitat.

## **2.9 Accesses**

2.9.1 The Sites will have two main access points: one on Sunnica East Site B and one on Sunnica West Site A. During construction, all small vehicles will access the

Sites at these locations and park in the centralised car parks. Staff will then be distributed to the working area via minibus using internal tracks within the Order limits. Sunnica East Site B will be accessed via the A11 and B1085 and the access to Sunnica West Site A will be via the Chippenham junction of the A11, to the north of junction 38 of the A14.

- 2.9.2 A number of secondary access points have been provided to access individual land parcels within the Order limits. Secondary access points for Sunnica East Sites A and B will be from Elms Road southeast of the main access, Newmarket Road (south of Worlington), Newmarket Road (between A11 and Golf Links Road), Freckenham Road, Beck Road and Ferry Lane. Secondary access points for Sunnica West Sites A will be from Chippenham Road and Dane Hill Road. The access locations are shown in **Figures 3-13 (Sunnica West Sites A Access) [APP-152] and 3-14 (Sunnica East Sites A and B Access) [APP-153]** of the Environmental Statement.
- 2.9.3 Access to construct and maintain the final 400kV connection (Work No. 4) into the existing Burwell National Grid Substation will be from Weirs Drove, through the existing Burwell National Substation access. A further 18 access points will be provided along Grid Connection Route A and Grid Connection Route B for construction, although the Applicant will reserve the power to revive these access points should they be needed to carry out maintenance during the operational period.
- 2.9.4 The majority of the access arrangements to each of the Sites is expected to remain consistent through construction, operation and decommissioning activity. However, the following access will only be used during specific phases (see **Figure 3-14 (Sunnica East Sites A and B Access) [APP-153]** of the Environmental Statement within Chapter 3: Scheme Description of the Environmental Statement **[REP2-022]**):
- a. **Sunnica East A:**
    - i. Access K will only be utilised during construction and decommissioning by Cranes; however, the access will be retained during operation for use by emergency vehicles to provide two accesses for the BESS compound, in the event of a fire.
  - b. **Sunnica East B:**
    - i. Access A will only be utilised for construction and decommissioning; however, the access will be retained during operation for use by emergency vehicles to provide two accesses for the BESS compound, in the event of a fire;
    - ii. Access H will only be used during construction and decommissioning and will not be used during operation. An alternative operational access will be provided off Golf Links Road, Access J, during operation only; and
    - iii. Access I will only be used during construction and decommissioning and will not be used during operation.

## 2.10 Flexibility

- 2.10.1 Solar PV and BESS are rapidly evolving and as a result, the **draft Sunnica DCO [REP6-013]** and supporting **Works Plans [REP6-006]** propose a degree of flexibility to allow the latest technology to be utilised at the time of construction (for example with respect to the technology used in the panels and BESS).
- 2.10.2 Given the flexibility applied for and in order to ensure a robust assessment of the likely significant environmental effects of the Scheme, the Environmental Impact Assessment (EIA) has been undertaken adopting the principles of the 'Rochdale Envelope' where appropriate, as described in the Planning Inspectorate Advice Note 9. This involves assessing the maximum (and where relevant, minimum) parameters for the Scheme where flexibility needs to be retained. Where specific elements of flexibility have been needed to be considered by a technical discipline in the context of the parameters set out in Chapter 3 of the Environmental Statement, this has been confirmed within the relevant chapters of the Environmental Statement. This approach sets worst case parameters for the purpose of the assessment but does not constrain the Scheme from being built in a manner that would lead to lower environmental impacts. The draft Sunnica DCO secures the likely worst case parameters (via the design principles), providing certainty that the impacts of the Scheme will be no worse than those assessed as part of the environmental assessment.
- 2.10.3 As part of this flexibility, the Applicant requires (for example) the ability to construct on some areas of land, either, or a combination of, Work No. 1 (solar PV), BESS (Work No. 2), on-site substation (Work No. 3) and/or in some instances, an operational compound (Work No. 8). This is shown on the Works Plans, which clearly show the areas on which these Works (or combination of these Work Nos.) could be constructed. Where this flexibility is sought on the Works Plans, the environmental assessments have all taken a consistent worst case approach of assuming the maximum spatial parameters for these infrastructure elements set out in the Works Plans, Chapter 3 of the ES and the **Design Principles [REP6-037]**, with a massing of BESS, and one substation, within these areas assumed as the worst case for all disciplines.
- 2.10.4 Further detail is also provided in the **Explanatory Memorandum [REP6-015]** to the draft Sunnica DCO in respect of the flexibility sought and how the draft Sunnica DCO secures the outputs of the Environmental Statement.

## 2.11 Timing of construction

- 2.11.1 It is currently anticipated that, subject to development consent being granted, construction work will commence, at the earliest, in Summer 2023. A construction programme of approximately 24 months will take place if the Scheme is built in one continuous phase. This has been assessed within the ES, as it is generally considered to be a worst case in terms of environmental effects, although technical topics have considered if there are any additional implications if the construction period is slightly longer or constructed in phases. The final programme will be dependent on the final Scheme design and potential environmental constraints on the timing of construction activities.
- 2.11.2 The **draft Sunnica DCO [REP6-013]** contains a requirement in Schedule 2 that requires the Applicant to submit for approval to the relevant planning authorities (being ECDC and WSC) a written scheme setting out the phase of phases of



construction of the Scheme together with a timetable. The Scheme must then be constructed in accordance with that approved scheme.

## **2.12 Summary**

2.12.1 The Scheme comprises the construction, operation (including maintenance), and decommissioning of ground mounted solar photovoltaic (PV) panel arrays, BESS and supporting infrastructure. Subject to obtaining the necessary consents, construction is anticipated to commence at the earliest in Summer 2023. Solar and BESS are rapidly developing technology and therefore flexibility has been built into the Scheme to allow the latest technology to be utilised at the time of construction. The Green Infrastructure Strategy has ensured the establishment of a strong and cohesive framework of landscape, ecological and heritage areas based on the use of the existing important natural features within the Sites.

## 3 Description of the Sites and Order land

### 3.1 Overview

#### 3.1.1 Site History

3.1.2 The Scheme comprises three sites (the Sunnica East Site A, Sunnica East Site B and Sunnica West Site A, which are known collectively as the 'Sites'). In addition, the Scheme includes the associated electrical infrastructure for connection to the National Grid, comprising Grid Connection Route A and Grid Connection Route B. There is also land within the Order limits for works to facilitate access to the Scheme from existing streets.

3.1.3 The maximum area of land required for the construction, operation (including maintenance), and decommissioning of the Scheme is shown on the **Land and Crown Land Plans [REP6-004]**. The land-take for the Order limits has been refined as the Scheme design has progressed, taking into account environmental and technical factors, and consultation responses. The key areas comprising the Order limits are set out below.

### 3.2 Sunnica East Site A

3.2.1 Sunnica East Site A encompasses an area of approximately 223ha and is located approximately 3.5 kilometres (km) east of Mildenhall, 0.5km south-east of Isleham and 0.6km south-west of West Row. The Sunnica East Site A straddles the boundary between the counties of Cambridgeshire and Suffolk and falls within the administrative areas of East Cambridgeshire District Council (ECDC) and West Suffolk Council (WSC).

3.2.2 The landscape features within the Sunnica East Site A consist of agricultural fields interspersed with individual trees, hedgerow, linear tree belts, farm access tracks, and local transport roads. The hedgerows within Sunnica East Site A are predominantly thin lines of vegetation with sporadic trees present. The arable fields are of moderate size and generally of regular shape.

3.2.3 The local transport network comprises several local roads. Beck Road, which bisects the Sunnica East Site A to the west, runs south from Isleham and joins Isleham Road, and Sheldrick's Road which runs parallel to the eastern boundary of the Sunnica East Site A.

3.2.4 Three Public Right of Ways (PRoW) are located within the boundary of Sunnica East Site A.

3.2.5 This site is comprised of the following plots identified on the Land and Crown Land Plans: 1-01, 1-02, 1-03, 1-07, 2-01, 2-02, 3-01, 3-03, 3-04, 3-05, 3-06, 3-10, 3-11, 4-01.

### 3.3 Sunnica East Site B

3.3.1 The Sunnica East Site B encompasses an area of approximately 319ha and is located approximately 1.5km south-east of Mildenhall, 1.5km east of Freckenham

and immediately south of Worlington. The Sunnica East Site B is located within the county of Suffolk and falls within the administrative area of WSC.

- 3.3.2 The landscape features within Sunnica East Site B consist of agricultural fields interspersed with individual trees, hedgerow, tree belts (linear), small woodland blocks, farm access tracks, and local transport roads (including the B1085). The hedgerows within Sunnica East Site B range between lengths of dense tall vegetation (shrub and tree species) and thin lines of vegetation with sporadic trees present, although the former is a dominant feature. The arable fields are of small to moderate size, some of which are of irregular shape.
- 3.3.3 The local transport network comprises the A11, which runs adjacent to the east and south of Sunnica East Site B, and several local roads. These include: Elms Road (which bisects the Site to the south); Newmarket Road (which runs from Worlington to Red Lodge and bisects the Sunnica East Site B to the east); Golf Links Road to the north-east of the Sunnica East Site B; and B1102 Freckenham Road which runs along the north-west of the Sunnica East Site B.
- 3.3.4 One PRoW is located within the boundary of Sunnica East Site B. PRoW W-257/003/0 runs along the south-western boundary of the Sunnica East Site B from Turnpike Road at Red Lodge in the south-east to Badlingham Manor in the north-west. An unclassified road (U6006), which is a publicly accessible route, including for equestrians, extends northwards from Elms Road to Worlington.
- 3.3.5 This site is comprised of the following plots identified on the Land and Crown Land Plans: 5-03, 5-04, 5-05, 5-06, 5-07, 5-08, 5-09, 5-10, 5-11, 5-12, 6-01, 6-02, 6-03, 6-04, 7-01, 7-02, 7-03, 7-04, 7-05, 7-06, 7-08, 8-01.

### **3.4 Sunnica West Site A**

- 3.4.1 The Sunnica West Site A encompasses an area of approximately 373ha and is located approximately 1km south of Chippenham and 1.5km west of Kennett. It is bounded by the A14 to the south and straddles the A11 to the east. The Sunnica West Site A lies within the county of Cambridgeshire and in the ECDC administrative area.
- 3.4.2 The Sunnica West Site A consists of agricultural fields bound by trees, managed hedgerows, tree shelter belts (linear), small woodland and copses, and farm access tracks. A straight tree-lined avenue bisects the Sunnica West Site A and forms part of a former carriageway to Chippenham Hall, which is located immediately to the north. This avenue is included on Historic England's 'Register of Historic Parks and Gardens of special historic interest in England' as part of the Chippenham Hall Grade II Registered Park and Garden (RPG). The southern boundary of the Sunnica West Site A, adjacent to the A14 / A11, is formed by a post and rail fence and sporadic sparse vegetation. Sounds Plantation is a deciduous copse that is located within the eastern extent of the Sunnica West Site A.
- 3.4.3 The local transport network comprises the A14 and A11 trunk roads, and local roads such as Chippenham Road and B1085 (to the east of Sunnica West Site A). The A14/A11 junction (Junction 38 of the A14) is located immediately to the south-east of the Sunnica West Site A boundary. The main railway line connecting Newmarket to Bury St Edmunds runs parallel to the A14. Snailwell 5 bridleway (PRoW) runs along the south-west boundary of the Sunnica West Site

A. Snailwell 1 PRow crosses the land to the north-west of the Sunnica West Site A boundary. No PRows are situated within the boundary of the Sunnica West Site A itself.

3.4.4 This site is comprised of the following plots identified on the Land and Crown Land Plans: 9-07, 9-08, 9-09, 10-06, 10-07, 10-08, 10-09, 10-10, 10-11, 10-12, 10-13, 10-14, 10-15, 10-16, 10-17, 10-18, 10-19, 10-20, 10-21, 10-22, 10-28, 10-29, 10-30, 10-31, 10-32, 11-05, 11-06, 11-07, 11-08, 12-01, 12-02, 13-01, 13-02, 13-03, 13-04, 14-01, 14-02, 14-03.

### **3.5 Grid Connection Routes**

3.5.1 The Scheme will be connected to the existing Burwell National Grid Substation. The cable route for Grid Connection Route A runs between Sunnica East Site A, Sunnica East Site B and Sunnica West Site A. The cable route for Grid Connection Route B traverses between Sunnica West Site A and the Burwell National Grid Substation.

#### *Grid Connection Route A*

3.5.2 Heading south-east from the Sunnica East Site A, the cable route for Grid Connection Route A crosses agricultural land and the B1102 immediately north of Sunnica East Site B. The cable route then passes through Sunnica East Site B before running south, crossing the River Kennett and Havacre Meadows and Deal Nook CWS. The cable route corridor then crosses the Chippenham footpath 49/7, before passing approximately 20m west of the Chippenham Gravel Pit CWS and crossing the B1085, before then joining the Sunnica West Site A.

3.5.3 This site is comprised of the following plots identified on the Land and Crown Land Plans: 4-03, 4-05, 5-01, 5-02, 8-02, 8-03, 8-04, 8-05, 8-06, 9-01, 9-02, 9-04, 9-06, 10-33, 11-01 and 11-03.

### *Grid Connection Route B*

- 3.5.4 Grid Connection Route B connects Sunnica West Site A with the Burwell National Grid Substation. Heading north-west from Sunnica West Site A, the cable route crosses Chippenham Road and Snailwell 1 PRow before traversing the River Snail.
- 3.5.5 Heading west from the River Snail, the cable route corridor for Grid Connection Route B crosses a PRow 92/19 before crossing the railway line and the A142 Newmarket / Fordham Road.
- 3.5.6 The cable route corridor for Grid Connection Route B crosses agricultural fields and a number of roads including the B1102 and A142. Grid Connection Route B also crosses a number of watercourses, including the Burwell Lode, New River, and the River Snail, as well as a number of drainage ditches associated with Burwell Fen, Little Fen, the Broads, and agricultural drains. As such, the cable route for Grid Connection Route B passes through multiple areas of Flood Zones 2 and 3.
- 3.5.7 This site is comprised of the following plots identified on the Land and Crown Land Plans: 14-07, 14-08, 14-09, 15-01, 15-02, 15-03, 15-04, 15-05, 15-12, 16-01, 16-02, 16-03, 16-04, 16-07, 16-08, 16-09, 16-10, 16-11, 16-14, 16-15, 16-16, 16-17, 16-18, 16-19, 17-01, 17-03, 18-01, 18-02, 18-03, 18-04, 18-06, 18-07, 18-08, 18-09, 18-10, 18-11, 18-12, 18-13, 18-14, 18-15, 18-16, 18-17, 18-18, 18-19, 19-01, 19-02, 19-03, 19-04, 19-05, 19-06, 19-07, 19-08, 19-09, 19-10, 19-11, 19-12, 19-13, 19-15, 20-01, 20-02, 20-03, 20-04, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30.

## **3.6 Works to facilitate access**

- 3.6.1 In addition, there is land within the Order limits required for works to facilitate access from existing streets to the works being carried out within the Order limits. These are plots:
- a. Sunnica East A: 1-04, 1-05, 1-06, 3-02, 3-07, 3-08, 3-09, 4-02;
  - b. Sunnica East B: 6-07, 6-08, 6-09, 7-07, 7-09, 7-10, 7-11, 7-12;
  - c. Grid Connection Route A: 4-04; 9-03, 9-05;
  - d. Sunnica West A: 10-01, 10-02, 10-03, 10-04, 10-05, 11-02, 11-04, 14-04, 14-05, 14-06;
  - e. Grid Connection Route B: 16-12, 16-13, 16-20, 17-02, 18-05, 18-06, 19-14, 20-05, 20-06, 20-07, 20-13, 20-15, 20-21;
  - f. Other street works: 21-01, 21-02, 21-03, 21-04, 22-01.

## 4 Compulsory acquisition powers

### 4.1 Overview

- 4.1.1 Section 120 of the PA 2008 provides that an order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted. Schedule 5 to the PA 2008 lists the matters ancillary to the development, which includes the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement.
- 4.1.2 Section 122 of the PA 2008 provides that an order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State, in respect of the Application, is satisfied that the land is:
- a. required for the development to which the development consent relates,
  - b. required to facilitate or is incidental to that development, or
  - c. replacement land for commons, open spaces, etc.
- 4.1.3 The Secretary of State must also be satisfied that there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the development consent order. This is required by section 122(3).
- 4.1.4 This Statement of Reasons provides the information that will enable the Secretary of State to comply with section 120 and section 122.



## 5 Need for the compulsory acquisition of land and rights

### 5.1 The matters to which the Secretary of State must have regard

- 5.1.1 As noted above, under section 122 of the PA 2008, a DCO which includes compulsory acquisition powers may be granted only if the conditions in sections 122(2) and 122(3) are met. The conditions to be met are that:
- a. the land is required for the development to which the DCO relates or is required to facilitate or is incidental to the development (section 122(2)) (see paragraph 5.2 onwards below); and
  - b. there is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the DCO (section 122(3)). The Secretary of State must be persuaded that the public benefits from the compulsory acquisitions will outweigh the private loss suffered by those whose land is to be acquired (see Sections 6 and 7 below).
- 5.1.2 In respect of the section 122(2) condition, the 'Guidance related to procedures for the compulsory acquisition of land' (at paragraph 11 of the CA Guidance) states that applicants should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought. The CA Guidance goes on to say that the Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.
- 5.1.3 In respect of the section 122(3) condition, the CA Guidance (at paragraph 13) states that the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. At paragraph 14, the CA Guidance states that in determining where the balance of public interest lies, the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition.
- 5.1.4 Further, paragraphs 8 to 10 of the CA Guidance also set out a number of general considerations that the applicant must demonstrate to the satisfaction of the Secretary of State when justifying an order authorising compulsory acquisition. These are as follows:
- a. that all reasonable alternatives to compulsory acquisition (including modifications to the Scheme) have been explored - see section 3 above in relation to how the Applicant has selected aspects of the Sites, and more generally paragraph 5.4 onwards;
  - b. that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate - see the remainder of this section, and Section 10 below;
  - c. that the Applicant has a clear idea of how they intend to use the land which it is proposed to acquire - Sections 2 and 3 above describe the Sites and the Scheme, and this section describes the nature of the interest sought and the purposes for which areas are to be acquired or used;

- d. that there is a reasonable prospect of the requisite funds for the acquisition becoming available - see the Funding Statement; and
- e. that the purposes for which compulsory acquisition of land powers are included in the Sunnica DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected - see Section 10.

5.1.5 This Statement sets out the factors that the Applicant considers demonstrate that the conditions in section 122 of the PA 2008, and the considerations set out in the CA Guidance, are satisfied.

## **5.2 Need for Compulsory Acquisition of Land and Rights (sections 122(2) and (3))**

5.2.1 The Applicant has already negotiated and completed property agreements with some of the main freehold owners of part of the Sites. Agreements have been reached with respect to land within the Sites, and the latest position in this respect is set out in the **Schedule of Negotiations and Powers Sought [REP6-021]**, and as subsequently updated during the Examination]. Where agreement has been reached, this means that should development consent be granted by the Secretary of State the Applicant is able to exercise an option for lease over the interests of these parties in the Sites for the lifetime of the Scheme.

5.2.2 For the other main landowners of the Sites where agreement has not yet been reached, negotiations have been ongoing for at least 12 months (and in the case of most main landowners of the Sites, negotiations commenced in 2019) and in the large majority of cases there is a heavily negotiated agreement in almost final form. As evidenced by the continued negotiations, the parties are willing to enter into the agreements and are currently discussing the remaining commercial points. The Applicant expects agreements with the remaining main landowners of the Sites to be entered into shortly, before the end of the Examination of the Application. The most up to date position is to be found in the **Schedule of Negotiations and Powers Sought**.

- 5.2.3 Notwithstanding the position reached in respect of part of the Sites, it is necessary for the Applicant to be granted the compulsory acquisition powers included in the Sunnica DCO so as to protect against a scenario whereby the freeholder owners of the Sites (where agreement has been reached) do not grant a lease of the Sites in accordance with the terms of the completed option agreements. The Applicant also needs powers to extinguish private rights in the Sites to the extent that they would conflict with the Scheme.
- 5.2.4 To ensure that the Scheme can be built, maintained and operated, and so that the Government's policies are met in relation to the timely provision of new generating capacity and meeting net zero carbon emissions targets for 2050, the Applicant also requires the acquisition of property interests in third party ownership in respect of the Grid Connection Route A, Grid Connection Route B, and lesser interests within the Order limits (for example to facilitate access, subsoil under the highway). The Applicant has therefore applied for the grant of powers to facilitate acquisition and/or creation of new rights and interests, and to extinguish rights over land.
- 5.2.5 The Applicant is seeking to negotiate an option for easement with affected landowners for the underground cable. Heads of Terms have been issued to the affected landowners, and whilst heads of terms are agreed with one landowner and negotiations are well advanced with a number of other landowners, to date no option agreements have been secured. As such the Applicant will require powers of compulsory acquisition to acquire the easement that it requires to install, maintain and operate the underground cable.
- 5.2.6 For the connection to the National Grid Substation, the Applicant currently does not have the necessary property interests to construct, operate and maintain the Grid Connection; however, negotiations are at an advanced stage.
- 5.2.7 The Applicant and National Grid Electricity Transmission plc are working together to amend the grid connection agreement between them to confirm the point of connection to the Burwell National Grid Substation, this amendment has not yet been formally agreed..
- 5.2.8 There are various lesser interests held by third parties within the Order limits, for example, small areas of land needed to facilitate access to the Scheme from the highway, or subsoil underneath highways. The Applicant has focused its effortson advancing negotiations with the key landowners within the Order limits, however, it has also contacted the owners of these lesser interests in an effort toreach agreement with them.
- 5.2.9 There are four categories of land powers included in the Sunnica DCO – three of these are powers of compulsory acquisition of interests and the fourth is a power to occupy land temporarily. Each is introduced briefly below, followed by further information on the necessity of the powers sought and the purpose for which the Applicant requires the land.
- a. **All interests (including freehold)** - the land over which compulsory powers are sought generally (and therefore including the freehold interest) is shown edged red and shaded pink on the **Land and Crown Land Plans [REP6-**

**004].** In summary, the areas in which freehold acquisition is sought are for part of Work No. 1, Work Nos. 2 and 3, part of Work No. 4, part of Work No. 6, Work No. 8, part of Work No. 9 and Work No. 10 and relate to where PV panels, energy storage facilities, electrical compounds, works to lay electrical cables, office and warehouse buildings, permanent compounds, green infrastructure, works to facilitate access, and the Stone Curlew reserve would be located. The Applicant has only included powers to compulsorily acquire the freehold interest in land where other powers (such as to acquire new rights or take temporary possession) would not be sufficient or appropriate to enable the construction, operation or maintenance of the Scheme. Article 18 of the Sunnica DCO is relied upon in respect of this land.

- b. **New rights** - the land over which compulsory powers are sought in respect of the creation of new rights, imposing restrictive covenants and acquiring rights already in existence is shown edged red and shaded blue on the Land and Crown Land Plans. In summary, these are the areas required for part of Work No. 1 which is the solar PV panel infrastructure, part of Work No 4 which is the grid connection route, part of Work No. 6 in relation to works to create, enhance and maintain green infrastructure, and Work No. 9 which is works to existing streets to facilitate access.

Article 20 of the Sunnica DCO is relied upon in respect of new rights. The new rights are set out in Schedule 8 to the Sunnica DCO (see further below as to the interaction between the taking of temporary possession and acquiring new rights) and comprise access rights, cable rights, substation connection rights, and crane rights.

- c. **Private rights** - in addition, the Applicant has included powers to ensure that easements and other private rights identified as affecting the land are extinguished or suspended, so as to facilitate the construction and operation of the Scheme without hindrance. In addition, there may be unknown rights, restrictions, easements or servitudes affecting that land which also need to be extinguished in order to facilitate the construction and operation of the Scheme. Articles 21 and 24 of the Sunnica DCO are relied upon in respect of this land.
- d. **Temporary use** – there is one plot, 21-04, within the Order limits where powers of temporary use only are sought. This plot is required to facilitate the passage of Abnormal Indivisible Loads. However, Articles 27 and 28 permit the Applicant to take temporary possession of any part of the Order land where it has not yet exercised powers of compulsory acquisition – for example, Article 27 would allow the Applicant (for instance) to initially take temporary possession of the cable corridor up to a width of circa 100m (this is the working width required for construction, estimated to be between 30 – 100 metres at different locations along the cable route, dependent on factors outlined in Appendix A) for the electrical cables and temporary construction laydown along the cable route (Work No. 4) (over which the power to acquire new rights is included in the Order), and once it has carried out detailed surveys and installed the cables, to acquire new rights (pursuant to the powers set out above) only in respect of the relevant strip within that overall corridor in which the permanent easement would be located. Such an approach has precedent amongst other DCOs including the Eggborough Gas Fired Generating Station Order 2018 and the Drax Power (Generating Stations)

## Order 2019.

- 5.2.10 It is noted that Work No. 7 (temporary construction laydown areas within the Sites) is not expressly listed in connection with any of the above powers. Land used for the purposes of Work No. 7 would only be required temporarily, and so no permanent interest or right in plots covered by Work No. 7 on the Works Plans is required for the purpose of Work No. 7. However, those plots also fall within other works numbers and so those plots are the subject of powers of freehold acquisition or the acquisition of new rights, for Work Nos. other than Work No. 7. There are no plots which are needed only for the purpose of Work No. 7.
- 5.2.11 In all cases the plots of land shown on the Land and Crown Land Plans are described in the **Book of Reference [REP6-017]**.
- 5.2.12 The Applicant has been seeking to acquire the relevant freehold interests, new rights and temporary use of land by private treaty, in order to ensure implementation of the Scheme. It has successfully achieved this in respect of part of the Sites as outlined in paragraph 5.2.1 to 5.2.3 above. However, it has not yet been possible to acquire all interests required in the Order land by agreement. In addition, the Applicant requires certain matters to be suspended, overridden or extinguished within the Order land so as to ensure there are no impediments to the construction, operation and maintenance of the Scheme.
- 5.2.13 In the absence of powers of compulsory acquisition, the Order land may not be assembled, uncertainty will continue to prevail and the Applicant considers that its objectives and Government policy objectives would not be achieved.
- 5.2.14 Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire the land, the rights and other interests in, on and over the land, and the temporary use of land, by agreement, as well as secure the removal of matters affecting the Order land that may impede the Scheme, wherever possible. This approach of making the application for powers of compulsory acquisition in the Application for the DCO and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the CA Guidance.
- 5.2.15 The Applicant's justification for seeking compulsory acquisition powers, in accordance with the provisions of the PA 2008, is to secure land, the rights and other interests in, on and over the land and the temporary use of land required to enable them to construct, operate and maintain the Scheme within a reasonable commercial timeframe.
- 5.2.16 The inclusion of powers of compulsory acquisition in the Sunnica DCO is to ensure that this can be achieved. The relevant powers, and the land and interests sought together with the land required for temporary use, are no more than is required to facilitate the Scheme, its construction and future maintenance.

## 5.3 Use of the Order land and Status of Negotiations

- 5.3.1 The intended purpose for which land is subject to the proposed powers of compulsory acquisition (Article 18 and 20 of the Sunnica DCO) and to possess land temporarily (as per Articles 27 and 28 of the Sunnica DCO) is summarised in the **Schedule of Negotiations and Powers Sought [REP6-021]**.
- 5.3.2 The Schedule of Negotiations and Powers Sought includes all plots in the Book of Reference and land interests where the Applicant has been involved in negotiations to reach voluntary agreement with landowners. For each third party



the Applicant is negotiating with, the Schedule of Negotiations and Powers Sought describes the party's interest by reference to the Work Nos. set out in Schedule 1 to the Sunnica DCO and shown on the Works Plans, and by plot number as referenced in the Book of Reference and Land and Crown Land Plans, with plots grouped together for each interested party. The Schedule of Negotiations and Powers Sought should be read together with those documents. Some plot numbers appear in more than one row in the Schedule of Negotiations and Powers Sought, indicating that there is more than one interest in the relevant plot (generally a freehold owner and a tenant).

- 5.3.3 The Schedule of Negotiations and Powers Sought also sets out the position in terms of the Applicant's negotiations to acquire interests in land or to take possession of land required for the Scheme by agreement. The position in relation to interests in land held by statutory undertakers and in relation to their apparatus within the Order limits is included within the Schedule of Negotiations and Powers Sought (where the Applicant has been in substantive negotiations with the statutory undertaker) and also summarised in Section 8.2.
- 5.3.4 In summary (as described above in Section 5.2), the Applicant has reached agreement with the freehold owners of part of Sunnica East A. Agreements with other main freehold owners of the Sites have been heavily negotiated and are at an advanced stage, with the expectation being that parties will reach agreement, in most cases, before the end of the examination.
- 5.3.5 The Applicant is presently negotiating a property agreement for the grid connection to the Burwell National Grid Substation. The compulsory acquisition of rights for the final electrical connection works into the existing Burwell National Grid Substation (Work No. 4) is nonetheless still included within the Application albeit the power is subject to the protective provisions.
- 5.3.6 For the Grid Connection, the Applicant is seeking to negotiate an option for easement with affected landowners, and Heads of Terms have been issued to the affected landowners. The Applicant has also contacted owners of lesser interests in the Order land to progress discussions.

## **5.4 Alternatives to Compulsory Acquisition**

- 5.4.1 The Applicant has reached agreement with the freehold owners of part of the Sites for a lease of them for the lifetime of the Scheme. Negotiations with all other main freehold owners of the Sites are at an advanced stage. It is anticipated that voluntary agreements with more of these landowners will be entered into, minimising the amount of land subject to compulsory acquisition without an agreement in place. It is acknowledged that powers of compulsory acquisition are sought in respect of these Sites and the reasons for that are further described in paragraph 5.2.3 above, and are essentially that the rights are sought as a fall back position in case the owners (where agreement has been reached) do not grant a lease in accordance with the completed option agreements and to ensure that third party private rights across the Sites can be extinguished to the extent that it is necessary to do so.
- 5.4.2 Even with agreement in place for all or part of the Sites, it is anticipated that the Scheme will largely require the acquisition of land and the acquisition of / creation of rights (including the imposition of restrictive covenants) to build and operate the Grid Connection Route A and Grid Connection Route B. There is no alternative



but to seek to acquire or create the rights in respect of this land. It has not been possible to date to negotiate the voluntary acquisition of the necessary rights and without acquiring these rights compulsorily it would mean that Scheme could not be constructed, operated and maintained.

5.4.3 It is considered that the 'Do Nothing' scenario is not appropriate given the need for the Scheme. This is described in section 6.2 below and expanded upon in the **Statement of Need [APP-260]**. The other key disadvantage of the 'Do Nothing' scenario would be the lack of additional investment in the local economy and the lost opportunity to contribute to meeting the country's net zero targets and decarbonisation.

5.4.4 The alternatives to the location of the Scheme on the Sites are considered in **Appendix 4A (to the Environmental Statement) Alternative Sites Assessment [APP-054]**. In summary the Sites were selected for the following reasons:

- a. the land is within East Anglia, an optimal region within the UK to locate a large scale solar farm. This is due to the region's high levels of solar irradiation compared to other parts of the UK and its topography, which is predominantly made up of and characterised by large flat open land. East Anglia is also located near high demand centres for electricity (i.e. Cambridge and London) and therefore large scale solar development in this location will be placed close to areas of high demand;
- b. there is available capacity for the Scheme to connect to the national electricity transmission system with reinforcement at Burwell National Grid Substation that can be completed within a reasonable timeframe and cost;
- c. the land maximises the utilisation of low grade, non best and most versatile (BMV) agricultural land with 96% of the land being classified as non BMV land;
- d. the land is not located within internationally and nationally designated biodiversity sites and can avoid direct impact on locally designated biodiversity sites;
- e. the land is not located within or close to Areas of Outstanding Natural Beauty or designated areas of local landscape value;
- f. the land is not located within the designated green belt;
- g. the land can avoid direct physical impact on designated heritage assets;
- h. the land is predominantly within Environment Agency flood zone 1 and is therefore at a low risk of flooding;
- i. the land has good transport access for construction and operational maintenance, being adjacent to the A14 and A11 part of the strategic road network;
- j. the land is of a size and has excellent topographical characteristics which meet the requirements of the Scheme to generate significant amounts of electricity and be able to store it; and
- k. the land has limited land use conflicts with respect to local development plan allocations and displacement of existing businesses.

### *Consideration of Alternative Grid Connection Routes*

- 5.4.5 Three options were considered for the cable route and were initially evaluated prior to EIA Scoping. These are described below (further detailed can be found in **Chapter 4: Alternative and Design Evolution of the Environmental Statement [APP-036]**):
- a. Pre-scoping cable route option 1 was routed northwards from Burwell National Grid Substation, through fields to the west of Burwell before crossing Broads Road and running eastwards through farmland towards the railway line and the A142. The route ran through the former Sunnica West Site B and south-eastwards to Sunnica West Site A to the east of Snailwell. The route then diverted north-east along the northern boundary of Sunnica West Site A, before crossing agricultural fields, the B1085 and the River Kennett to join the proposed substation at Sunnica East Site B.
  - b. Pre-scoping cable route option 2 was routed northwards from Burwell National Grid Substation, along Weirs Drove and Broads Road before joining the B1102 at Ness Farm. The route then joined the A142 and followed the A142 alignment before turning eastwards at the River Snail and running through the former Sunnica West Site B. The cable route pre-scoping option 2 then followed the same alignment as pre-scoping option 1 through the former Sunnica West Site B, before diverting north at Chippenham Road and running across Chippenham village to the north of Chippenham Park. The route then ran through agricultural fields, round Badlingham Manor and into the proposed substation at Sunnica East Site B.
  - c. Pre-scoping cable route option 3 was routed south-east from Burwell National Grid substation through Burwell village, before turning north-east at Newmarket Road in Burwell. The route then ran north-east through agricultural fields to join with the pre-scoping cable route option 1. Option 3 then continued east to cross the railway line and A142 to the south of the crossing options proposed for options 1 and 2. The route then ran along the southern boundary of the former Sunnica West Site B, before joining the cable route alignment for pre-scoping options 1 and 2 on the eastern side of Sunnica West Site A. The route then followed pre-scoping option 1 to the centre of Sunnica West Site A, before continuing south-east and turning north-east along the eastern boundary of Sunnica West Site A and the A11. The route then followed the A11 north-east, past Red Lodge, before turning west into the proposed substation at Sunnica East Site B.
- 5.4.6 An evaluation was undertaken of the three cable route options to identify the most suitable route for technical and engineering requirements, planning and environmental constraints, and land use and ownership constraints. Cable route option 1 was selected as the preferred cable route corridor.

#### *Conclusion on Alternatives*

- 5.4.7 The Applicant has undertaken a clear process to identify appropriate sites, and an appropriate form and route for an underground cable route, and has considered alternatives in doing so. None of the alternatives would provide the compelling benefits that the Scheme would provide, or would involve additional impacts or disadvantages in terms of land take, environmental, technical or other considerations.

5.4.8 The Applicant is in the process of securing the necessary property rights for the Sites by negotiated agreement – agreement has been reached with some landowners, and it is anticipated that further agreements will be entered into either before or early in the examination. Agreements with all landowners of the Sites are at an advanced stage, with the only points outstanding being commercial. Compulsory acquisition powers are included in the Application for the Sites, and the reasons for doing so (where agreements have been reached) are limited to those set out at paragraph 5.2.3 above.

5.4.9 However, it has not been possible to acquire the necessary land and rights by agreement in respect of the underground grid connection cable route and works to facilitate access, despite efforts by the Applicant to do so. Whilst the Applicant will continue to seek to acquire the land and rights by voluntary agreement, it requires the powers of compulsory acquisition sought in order to provide certainty that it will have all the land required to construct and operate the Scheme, in order to realise its very significant public benefits.

## **5.5 Availability of Funds for Compensation**

5.5.1 The **Funding Statement [REP5-004]** confirms that the Applicant has the ability to procure the financial resources required for the Scheme, including the cost of acquiring any land and rights and the payment of compensation, as applicable. The Applicant is not aware of any interests within the Order land in respect of which a person may be able to make a blight claim, but in the event this did occur the Applicant has sufficient funds to meet any compensation due.

5.5.2 The Applicant therefore considers that the Secretary of State can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time.

## 6 Justification for the use of the powers of compulsory acquisition

### 6.1 The Compelling Case

- 6.1.1 A **Planning Statement** accompanies the Application [**APP-261, APP-262 and REP1-015**]. This explains how the Scheme:
- meets an urgent need for new energy infrastructure;
  - is a form of economic development that is suitable in its local context;
  - minimises or mitigates adverse impacts to an acceptable degree;
  - is compliant with NPS EN-1, NPS EN-3, Draft NPS EN-1 and Draft NPS EN-3 which are important and relevant factors under section 105 of the PA 2008.
- 6.1.2 The Planning Statement provides an extensive review of these matters which are summarised in the following section.

### 6.2 The need for the Scheme

- 6.2.1 The need that exists for new electricity generating infrastructure, such as the Scheme, is elaborated within the **Statement of Need [APP-260]** which accompanies this Application.
- 6.2.2 This Statement of Need for the Scheme builds upon the 2011 National Policy Statements ('**NPSs**') and Draft NPS EN-1 and EN-3 as published by the Government for consultation in September 2021. It describes how and why the Scheme addresses relevant aspects of established and emerging Government Policy concerning the need for new energy generation infrastructure.
- 6.2.3 Consistent with the position set out by the NPSs and Draft NPSs, the case for need is built upon the contribution of the Scheme to the three important national policy aims of decarbonisation (Net Zero and the importance of deploying zero-carbon generation assets at scale); security of supply (geographically and technologically diverse supplies) and affordability.
- 6.2.4 Chapter 1 of the Statement of Need recaps the Policy framework established by the NPSs, and the arguments set out within them, which support the need for significant new low-carbon electricity generation infrastructure in order to meet the UK's legal decarbonisation targets.
- 6.2.5 The NPSs conclude that it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent.
- 6.2.6 Solar generation is expected to make an essential contribution to the UK's renewable energy generating capacity towards 2050, and the Scheme is a critical step in the development of the portfolio of solar generation required to support delivery of these targets. The Scheme will make a valuable contribution to adopted UK government policy and the achievement of the UK's world-leading decarbonisation commitments.
- 6.2.7 Chapter 2 of the Statement of Need describes that, in October 2018, following the adoption by the UN Framework Convention on Climate Change of the Paris

Agreement, the Intergovernmental Panel on Climate Change ('**IPCC**') published a Special Report on the impacts of global warming of 1.5°C above pre-industrial levels. This report concluded that human-induced warming had already reached approximately 1°C above pre-industrial levels, and that without a significant and rapid decline in emissions across all sectors, global warming would not be likely to be contained, and therefore more urgent international action is required.

6.2.8 In response, the Committee on Climate Change ('**CCC**') (Climate Change Committee: Net Zero – The UK's contribution to stopping global warming. HMSO, 2019) recommended that "*The UK should set and vigorously pursue an ambitious target to reduce greenhouse gas emissions (GHGs) to Net Zero by 2050, ending the UK's contribution to global warming within 30 years.*"

6.2.9 The CCC believe (in the same 2019 report) that this recommendation is "*necessary [against the context of international scientific studies], feasible [in that the technology to deliver the recommendation already exists] and cost-effective*", reporting that "*falling costs for key technologies mean that . . . renewable power (e.g. solar, wind) is now as cheap as or cheaper than fossil fuels*". Importantly, the CCC recommendation identifies a need for low-carbon infrastructure development which is consistent with the need case set out in NPS EN-1, but points to an increased urgency for action, as set out in Draft NPS EN-1.

6.2.10 In June 2019, the Government announced the laying of a statutory instrument in Parliament, which amended Climate Change Act 2008, in order to implement the CCC's recommendation into law. The UK thus became the first major economy to pass laws to end its contribution to global warming by 2050.

6.2.11 Carbon budgets establish legal requirements for interim carbon emissions reductions over five-year blocks, starting in 2008. The UK is not on track to meet its fourth (2023 – 2027) or fifth (2028 – 2032) carbon budgets. The CCC's recommendations for a sixth carbon budget, running from 2033-2037, were accepted by the Government in April 2021 and have been enshrined in law, and included measures which, when delivered, will result in a 78% reduction in UK territorial emissions between 1990 and 2035, in effect, bringing forwards the UK's previous 80% target by nearly 15 years.

6.2.12 The CCC concludes that the decarbonisation progress must occur not only within the electricity generation sector, but also in other sectors which use energy, including low-carbon heating systems in the built environment, and the electrification of transport, with most sectors needing to reduce emissions to close to zero by 2050 for the Net Zero target to be achieved. The CCC anticipates a future of "*extensive electrification, particularly of transport and heating, supported by a major expansion of renewable and other low-carbon power generation*" (Climate Change Committee: Reducing UK Emissions – Progress Report to Parliament. HMSO, 2020).

6.2.13 Chapter 3 of the Statement of Need illustrates that the capacity of renewable generation in the UK has increased, replacing the carbon-intensive coal generation which has been closed as the country strives to keep pace with its climate obligations. The UK generation mix currently also includes 9GW of low-carbon dependable nuclear power, providing approximately 20% of current electricity demand with no carbon emissions. Almost half of current nuclear generation capacity (4.2GW) is scheduled to close before 2025. Nuclear's



dependable low-carbon electricity supply must be replaced with other low-carbon supply, further supporting the urgent need for a diverse portfolio of low-carbon generation schemes to be delivered from the first half of the 2020s and onwards.

- 6.2.14 Chapter 3 of the Statement of Need also demonstrates that the future contribution of new nuclear to decarbonisation will be limited to just one new station (Hinkley Point C, 3.2GW) commissioning in the 2020s. The failure of two high-profile projects to secure funding agreements, as well as lengthy project development and construction timescales associated with projects which are still ongoing, mean that any subsequent projects will not deliver until at the earliest next decade, and will not therefore address the urgent need for low-carbon generation.
- 6.2.15 Conversely, the Scheme, which will provide new low-carbon power generation and can be delivered in the early 2020s, will make an essential contribution to meeting the urgent need for low-carbon generation, and hence Chapter 3 underpins the urgent need for the Scheme.
- 6.2.16 Chapter 4 of the Statement of Need provides an overview of the effect of the COVID-19 pandemic on the UK energy market. Green investment will play an important role in global economic recovery, and UK is signalling its ambition to “lead the way”. The COVID-19 pandemic further supports the urgent need for low-carbon infrastructure.
- 6.2.17 Chapter 5 of the Statement of Need confirms that future electricity demand will grow significantly because of decarbonisation-through-electrification of other industry sectors (the same reasons as those stated in the NPS).
- 6.2.18 Government regards electric vehicles (**EVs**) as a critical new technology, vital in the fight against climate change because of their energy demand requirements (moving from fossil-fuels to clean electricity). Hydrogen is well placed to help decarbonise hard-to-reach sub-sectors of transport (particularly larger, long-haul, road freight vehicles) and is making tangible steps towards mainstream use in this and other transport sub-sectors. Hydrogen can be produced without carbon emissions, from water and electricity generated from renewable technologies.
- 6.2.19 Future forecasts for electricity demand, as published by a range of industry experts, are included and discussed in Chapter 5 of the Statement of Need. Demand is expected broadly to double between now (c.300TWh per annum) and 2050, as fossil fuels used for transport and space heating are substituted by electricity. Annual electricity demand from road transport alone (incorporating both EVs and vehicles powered by hydrogen) could be between 120 and 135TWh.
- 6.2.20 Chapter 6 illustrates that much more low-carbon generation, from diverse sources, along with energy efficiency and electricity storage, is required to meet the anticipated increase in electricity demand. Future scenarios for electricity generation mix include large capacities of offshore wind and solar generation as well as electricity storage. For example the National Infrastructure Commission anticipate that 56 – 121 GW of solar generation must be in operation by 2050 to meet Net Zero requirements.
- 6.2.21 Solar generation also supports the third pillar of Government strategy: affordability. Chapter 9 of the Statement of Need provides evidence and analysis which shows that large-scale solar is already a low-cost option for power



generation in the UK; and that the development of a single large-scale scheme provides commercial and carbon-saving benefits when compared to the development of multiple smaller schemes, which in aggregate deliver the same total installed capacity.

- 6.2.22 However, suitable locations for large-scale solar generation in the UK are found where a combination of technical, environmental and commercial characteristics align. In order to meet the significant capacity growth projections, it will be necessary to develop all sites which have been identified and assessed as suitable. By not developing a suitable location, the UK will risk falling short of its decarbonisation targets.
- 6.2.23 Chapter 7 explains the contribution of solar generation and storage to security of supply, both from an availability and a system operation perspective. Figure 7.3 in the Statement of Need shows that the annual profile of generation from large-scale solar schemes fits well with that of offshore wind, and anticipated demand.
- 6.2.24 A generation mix which consists of both solar and wind will meet UK demand requirements at a lower total cost than a mix which excludes either one or the other.
- 6.2.25 Chapter 10 highlights the significant number of important services provided by the Battery Electricity Storage System (BESS) which will be developed as part of the Scheme, and their role in ensuring the economic and secure operation of the National Electricity Transmission system as renewable generation increases.
- 6.2.26 Chapter 7 also demonstrates that the Scheme's proposed location is highly suitable for a large-scale solar development because:
- a. The Scheme is proposed to be located in one of the higher solar irradiation areas of the UK. This increases the benefit it will bring to the UK, in relation to the bulk generation of low-carbon electricity per MW installed.
  - b. The Scheme will connect to an existing section of the National Electricity Transmission System ('NETS') which does not need reinforcement in order to accept the connection. Direct connection to the NETS at Burwell provides the opportunity for the Scheme to supply its low-carbon electricity directly to the local area as well as contribute to the national electricity supply/demand balance.
  - c. Connection to the NETS also means that visibility of expected generation is provided to the National Grid Electricity System Operator ('NGESO'); NGESO are able to instruct the Scheme to change its output (if required); connection costs per MW(p) are kept down; and NGESO are provided with access to mandatory operational services at the plant, which support grid operation at least cost to consumers (these arguments are made more fully in Chapter 8 of the Statement of Need).
- 6.2.27 In addition, Chapter 6 explains that the Sites are well suited for a large-scale solar development for environmental and land use planning reasons, as listed above at paragraph 5.4.4.
- 6.2.28 The Scheme, if approved, would contribute to an adequate and dependable generation mix, through enabling the generation of more low-carbon power from indigenous and renewable resources.

## 6.3 Summary

- 6.3.1 The Scheme is a substantial infrastructure asset, capable of delivering large amounts of low-carbon electricity. The Scheme, along with other solar schemes, is of critical importance on the path to Net Zero, especially given the context of the CCC's recent identification of the need for urgent action to increase the pace of decarbonisation in the electricity sector, and the Government's adoption of their recommendations for the sixth Carbon Budget (2033 – 2037).
- 6.3.2 The Scheme's NETS connection means that it will be required to play its part in helping NGESO manage the national electricity system. This includes participating in mandatory balancing markets (to help balance supply and demand on a minute-by-minute basis and provide essential ancillary services) as well as providing visibility to the power market of its expected generation. This means that the low marginal cost solar power it will produce, can be forecast and priced into future contracts for power delivery by all participants, thus allowing all consumers to benefit from the market price reducing effect of low-marginal cost solar generation.
- 6.3.3 The Scheme provides a unique and efficient opportunity to integrate BESS with large-scale solar generation. BESS are an essential technology and a key component to achieve rapid decarbonisation in support of wider decarbonisation on the path to Net-Zero. BESS play essential roles in the provision of those services necessary to keep power flowing to all consumers, as well as integration measures which help balance supply and demand, thereby reducing the need for carbon-intensive back-up generation.
- 6.3.4 Maximising the capacity of generation in the proposed Cambridge/Suffolk border area, is to the benefit of all consumers, and the solar industry generally.
- 6.3.5 The Scheme will deliver large amounts of low-carbon power before many other large-scale solar projects (which are behind the Scheme in the development process, but which are also needed). The Scheme will also deliver power ahead of other potential technologies (which may have longer construction timeframes or have potentially not yet been proven at scale) which will support decarbonisation only in future years and only if they are brought forwards.
- 6.3.6 In summary: the meaningful and timely contributions offered by the Scheme to UK decarbonisation and security of supply, while helping lower bills for consumers throughout its operational life, will be critical on the path to Net Zero. Without the Scheme, a significant and vital opportunity to develop a large-scale low-carbon generation scheme will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved.
- 6.3.7 This Scheme is a leading large-scale solar scheme and is an essential stepping-stone towards the future of efficient decarbonisation through the deployment of large-scale, technologically and geographically diverse low-carbon generation schemes. This Scheme addresses all important aspects of existing and emerging government policy.

## 7 Policy support

- 7.1.1 The Scheme directly responds to and delivers against the objectives of relevant planning and energy policy. It has also taken account of, and accords with, planning policy in its design and siting. A **Planning Statement [APP-261, APP-262 and REP1-015]** has been prepared. This identifies relevant policy and presents a detailed appraisal of compliance of the Scheme with the policies identified.
- 7.1.2 The Planning Statement provides evidence of the Scheme's compliance with the relevant prescribed matters and relevant planning policy and other matters the Applicant considers are likely to be important and relevant to the Secretary of State.
- 7.1.3 It sets out that there are no specific references to solar NSIPs in NPS EN-1, although once the Draft Energy NPSs are designated, new applications for solar NSIPs will be required to be determined in accordance with the enacted versions of Draft NPS EN-1 and Draft NPS EN-3.
- 7.1.4 Although solar NSIPs are not specifically identified in the current Energy NPSs the Applicant considers that significant weight should be given to the Scheme's compliance with the policies of the Energy NPSs, and substantial weight should be given to its compliance with the Draft Energy NPSs; with less weight given to the NPPF and local planning policy owing to their focus on guiding development at regional and local levels.
- 7.1.5 The Energy NPSs, Draft Energy NPSs, and other national energy policy sets out the Government's aims to provide secure and affordable energy supplies whilst decarbonising the energy system. This is in order to enable the UK to achieve its legally binding commitment to reduce carbon emissions and achieve net zero carbon emissions by 2050; as well as provide a resilient and low cost energy network for the future. The Government recognises in policy that the need to deliver these aims and commitments is immediate and therefore renewable energy NSIPs, including large scale solar projects, need to be delivered urgently.
- 7.1.6 The Scheme will deliver these policy aims, providing a significant amount of low carbon electricity over its lifetime; and providing resilience, security and affordability of supplies due to its large scale and proposed integration of BESS. It will therefore be a critical part of the national portfolio of renewable energy generation that is required to decarbonise its energy supply quickly whilst providing security and affordability to the energy supply. It is clear that there is a compelling case for the need for the Scheme and that it will deliver national economic and social benefits in line with the government's wider objectives of delivering sustainable development.
- 7.1.7 The Scheme will also deliver other more localised economic, social and environmental benefits. These relate to biodiversity net gain, protection of heritage assets, improvement to soil and water quality, generation of employment and increased local access. With the exception of employment, these have been as a result of the choice of location for the Scheme and the iterative design process which the Applicant has undertaken. With regard to biodiversity, the Scheme is expected to deliver an exemplary project with approximate biodiversity net gain values of 83% habitat units, 165 hedgerow units, and 1% river units. As a

result of the extensive geophysical survey work undertaken of the Order limits, areas of high value significant archaeological, which were not previously known, have been removed from the developable area of the Sites and will be preserved in situ.

- 7.1.8 The analysis of planning policy compliance in Section 6 of the Planning Statement demonstrates that the need for the Scheme is supported by planning policy and other national energy and environmental policy and that the Scheme addresses relevant national and local planning policies through its design, avoiding sensitive areas and limiting adverse impacts where possible.
- 7.1.9 With the mitigation proposed, the **Environmental Statement** demonstrates that the Scheme will not have any significant adverse effects in relation to designated landscapes, biodiversity sites or protected species or habitats; flood risk and water quality; transport networks; access; noise and vibration; soils; air quality and land uses. It is, however, acknowledged that the Scheme will result in residual significant adverse effects upon landscape and visual receptors and heritage assets.
- 7.1.10 With regard to landscape and visual effects the Applicant has carefully designed the Scheme to ensure landscape and visual impacts are minimised through a green infrastructure led landscape and ecological design and increased connectivity and local access through the landscape. In terms of the planning balance, these effects are localised and will be reversed following the 40 year operational period; and the NPS EN-1 and Draft NPS EN-1 acknowledge that adverse effects are likely, given the scale of energy NSIPs. It is considered that the national benefits of the Scheme outweigh these localised effects.
- 7.1.11 The analysis of the Scheme's compliance with the relevant national planning policy heritage tests identifies that residual significant adverse effects are expected upon three designated heritage assets; two scheduled monuments and one grade II registered park and garden; during the stages of the Scheme's lifetime. The impacts on these assets have been determined to have less than substantial harm. This less than substantial harm is to the setting of these assets with no direct adverse physical impacts resulting from the Scheme. There will also be no permanent loss of the significance of these designated assets allowing future generations to retain an understanding of their settings because the Scheme is proposed to be operational for 40 years, with its decommissioning secured through a DCO requirement. The proposed mitigation strategy minimises the harm to their settings and the Scheme provides a benefit to one scheduled monument by removing it from agricultural use and therefore potential future plough damage. The time limited and reversible loss of significance to the setting of a small number of designated assets is therefore considered to be justified and outweighed by the benefits of the Scheme. Mitigation for residual significant adverse effects upon below ground archaeology is to be implemented where possible by firstly avoidance of these areas in the detailed design process and then a programme of fieldwork and recording where necessary.
- 7.1.12 As described in Section 6 and Appendix B of the Planning Statement, whilst it has not been possible to avoid all impacts these have been minimised, where possible, through careful and detailed mitigation strategies. When considered against the NPSs and NPPF, the Scheme accords with relevant policies, and with regard to specific policy tests, the national and local benefits of the Scheme

outweigh its adverse impacts. The Scheme is also considered to be broadly consistent with relevant local planning policy. Therefore, overall the Scheme benefits from substantial policy support and development consent should be granted in order for the Scheme to contribute to meeting the Government's objectives and commitments for the energy system, which are set out in energy and planning policy.

## 8 Special Considerations

### 8.1 Crown land

- 8.1.1 There is a Crown interest within the Order limits in plot 4-03. Plot 4-03 is described in the **Book of Reference [REP6-017]** as a bridge carrying public road (Unnamed Road) and access track below, verges and shrubland (north of Freckenham). Part of the freehold of this plot is owned by the Secretary of State for Transport, and this plot is 'Crown Land'. The plot is shown hatched on the **Land and Crown Land Plans [REP6-004]**.
- 8.1.2 The **Sunnica DCO [REP6-013]** includes the standard article providing that the Sunnica DCO does not prejudicially affect any estate (etc.) of the Crown, and that the undertaker may not enter on or take any Crown land other than with the consent of the appropriate authority (Article 45). Articles permitting powers of compulsory acquisition (18 and 20) specifically provide that they are subject to Article 45. The **Book of Reference [REP6-017]** also excludes interests belonging to the Crown in the description of the relevant plot, plot 4-03.
- 8.1.3 The Applicant has approached the Secretary of State for Transport in order to secure the rights and access necessary to carry out the relevant parts of Work No. 4, and to obtain the consent of the Crown to the inclusion of provisions applying in relation to Crown land (as required by section 135 of the PA 2008). Further detail is provided in the Schedule of Negotiations and Powers Sought, which explains that the Applicant has been in correspondence in relation to this land since March 2019, however, the Applicant was only provided with information to suggest a Crown interest in October 2021. The Applicant will continue to seek the Crown's consent following submission of the Application.

### 8.2 Statutory Undertakers' Land

- 8.2.1 The Applicant has identified land or apparatus belonging to statutory undertakers within the Order limits.
- 8.2.2 The Sunnica DCO **[REP6-013]** includes protective provisions in respect of relevant types of statutory undertakers (see Article 40 and schedule 12), and the Applicant has agreed the form of protective provisions with relevant statutory undertakers as recorded in the **Schedule of Negotiations and Powers Sought [REP6-021]**. The **Schedule of Negotiations and Powers Sought [REP6-021]** and as subsequently updated during the Examination] contains the most up to date details in terms of the statutory undertakers with land or apparatus within the Order limits, along with the status of negotiations on protective provisions.



- 8.2.3 Article 29 of the draft Sunnica DCO gives the undertaker certain powers in relation to compulsory acquisition of land and acquisition of rights belonging to statutory undertakers within the Order limits. That Article is subject to the protective provisions included at Schedule 12 of the draft Sunnica DCO, which provide adequate protection for statutory undertakers' assets. Accordingly, the Applicant considers that the statutory undertakers will not suffer serious detriment to the carrying on of their undertaking. The tests set out in sections 127(3) and 127(6) of the PA 2008 are therefore satisfied.
- 8.2.4 Various statutory undertakers and owners of apparatus have a right to keep equipment (in connection with their undertaking) on, in or over the Order limits. Statutory undertakers and other apparatus owners that are known to have equipment on, in or over the Order limits are included in the **Book of Reference [REP6-017]**. Section 138 of the PA 2008 applies if a development consent order authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a 'relevant right', or there is 'relevant apparatus' on, under or over the land. The draft Sunnica DCO includes provision to authorise the extinguishment of a relevant right, or the removal of relevant apparatus belonging to statutory undertakers, in connection with the delivery of the Scheme.
- 8.2.5 The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 12 to the draft Sunnica DCO. The protective provisions have been, or are in the process of being, agreed with the relevant statutory undertakers and electronic communications apparatus owners, and will accordingly set out constraints on the exercise of the powers in the Sunnica DCO, with a view to safeguarding the statutory undertakers' and electronic communications apparatus owners' interests, whilst enabling the Scheme (i.e. the development authorised by the Sunnica DCO) to proceed. The Applicant therefore considers that the test set out in section 138 of the PA 2008 is satisfied.
- 8.2.6 There are no other relevant special considerations in respect of the Order limits.



## 9 Other consents and orders

### 9.1 Other planning permissions, consents and orders

9.1.1 The Applicant requires various other consents, as well as a DCO, in order to build, operate and maintain the Scheme. The **Consents and Agreements Position Statement [REP2-016]** sets out the additional consents required and when they will be applied for. The key consents are identified below and reference should be made to the Consents and Agreements Position Statement for the full list and the position as regards the need for and obtaining each consent:

- a. Electricity Generation Licence (granted November 2020);
- b. Water abstraction of impoundment licence;
- c. Bilateral Connection Agreement with National Grid to connect to the National Electricity Transmission System;
- d. Permit for Transport of Abnormal Loads;
- e. Health and Safety related consents.

9.1.2 The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Scheme proceeding.

## 10 Human Rights

- 10.1.1 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (the '**Convention**'). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.
- 10.1.2 The following Articles of the Convention are relevant to the Secretary of State's decision as to whether the Sunnica DCO should be made so as to include powers of compulsory acquisition.

### 10.2 Article 1 of the First Protocol to the Convention

- 10.2.1 This provides the right of everyone to the peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws and principles.

### 10.3 Article 6

- 10.3.1 This entitles those affected by the powers sought in the Sunnica DCO to a fair and public hearing of any relevant objections they may have to the granting of those powers. This includes property rights and can include opportunities to be heard in the decision making process.

### 10.4 Article 8

- 10.4.1 This protects private and family life, home and correspondence. No public authority can interfere with these rights except in accordance with the law, and so far as is necessary in the interest of national security, public safety or the economic well-being of the country.

### 10.5 Overview

- 10.5.1 The Secretary of State, as the decision maker, is under a duty to consider whether the exercise of powers interacts with the rights protected by the Convention.
- 10.5.2 The Sunnica DCO has the potential to infringe the human rights of persons who own property or hold interests in the land within the Order limits under Article 1 of the First Protocol. Such an infringement is authorised by law so long as:
- the statutory procedures for making the DCO are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO; and
  - the interference with the convention right is proportionate.
- 10.5.3 In preparing the Application, the Applicant has considered the potential infringement of the Convention rights in consequence of the inclusion of compulsory acquisition powers within the Sunnica DCO. The Applicant considers that there would be very significant public benefits arising from the making of the Sunnica DCO for the Scheme (as set out in previous sections of this Statement and in the **Planning Statement [APP-261, APP-262 and REP1-015]**). Those benefits can only be realised if the Sunnica DCO includes compulsory acquisition powers, and the purpose for which the land is sought (to build and operate the Scheme) is

legitimate. The Applicant considers, on balance, that the significant public benefits outweigh the effects on persons who own interests in relevant land or who may be affected by the Scheme.

- 10.5.4 The Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.
- 10.5.5 For those affected by expropriation or dispossession, compensation is payable in accordance with the statutory compensation code. The **Funding Statement [REP5-004]** confirms the availability of funds to meet these liabilities.
- 10.5.6 In relation to Article 8, the Order limits do not include, and the Scheme does not require, the outright acquisition of any residential dwelling-houses. Consequently, as dwelling-houses will not be directly affected, it is not anticipated that the Convention rights protected by Article 8 will be infringed. In the event that such rights were to be infringed, such interference would be justifiable on the basis that it would be lawful and in the public interest.
- 10.5.7 In relation to Article 6, there has been opportunity to make representations regarding the preparation of the Application. In accordance with Part 5 of the PA 2008, the Applicant has consulted with persons set out in the categories contained in section 44 of the PA 2008, which includes owners of land affected and those who may be able to make claims under sections 7 and 10 of the Compulsory Purchase Act 1965 in respect of injurious affection or under Part 1 of the Land Compensation Act 1973 or under section 152(3) of the PA 2008. The beneficiaries of rights overridden by the exercise of powers in the Sunnica DCO can make claims under section 10 of the Compulsory Purchase Act 1965.
- 10.5.8 Following acceptance of the Application, 'relevant representations' can be made in response to the notice which the Applicant is obliged to give pursuant to section 56 of the PA 2008. These are then considered during the examination of the Application by the examining authority, in any written representations procedure which the examining authority decides to hold or at any compulsory acquisition hearing held under section 92 of the PA 2008. There are further opportunities for affected persons to be involved in the examination process, including submitting detailed written representations, responding to matters raised by the examining authority and at other types of hearings that may be held.
- 10.5.9 Should the Sunnica DCO be made, any person aggrieved may challenge the Sunnica DCO in the High Court if they consider that the grounds for doing so are made out, pursuant to section 118 of the PA 2008.
- 10.5.10 In relation to matters of compensation for land to be acquired, affected persons have the right to apply to the Upper Tribunal (Lands Chamber) to determine the compensation payable.
- 10.5.11 For the above reasons, any infringement of the Convention rights of those whose interests are affected by the inclusion in the Sunnica DCO of powers of compulsory acquisition, is proportionate and legitimate and is in accordance with national and European law. For the reasons set out in Section 6 and 7 of this Statement, the Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.

10.5.12 The Applicant considers that it would, therefore, be appropriate and proportionate for the Secretary of State to make the Sunnica DCO, including the compulsory acquisition powers sought.

## 11 Conclusions

- 11.1.1 The Applicant submits, for the reasons explained in this Statement, that the inclusion of powers of compulsory acquisition in the Sunnica DCO for the purposes of the Scheme meets the conditions of section 122 of the PA 2008, as well as the considerations in the Guidance.
- 11.1.2 The acquisition of land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights, is no more than is reasonably required to facilitate or is incidental to the Scheme. Furthermore, the land identified to be subject to compulsory acquisition is no more than is reasonably necessary for that purpose and is proportionate, as is shown in the Sunnica DCO, the Works Plans and other information both in this Statement and in other documents accompanying the Application.
- 11.1.3 The need for the Scheme, suitability of the Sites and the support for such projects is clearly set out in Sections 6 and 7 of this Statement. It is demonstrated that there is a compelling case in the public interest for the land to be acquired compulsorily.
- 11.1.4 The Applicant has acquired the necessary land interests in respect of part of the Sites and is in advanced negotiations with the remaining landowners of the Sites. Powers of compulsory acquisition in respect of the Sites where agreement has been reached are retained as a fall back position in case the owners (where agreement has been reached) do not grant a lease in accordance with the completed option agreements and to ensure that third party private rights across the Sites can be extinguished to the extent that it is necessary to do so. It has not been possible to reach agreement for rights to install and maintain the Grid Connection and therefore compulsory acquisition powers are necessary for this purpose.
- 11.1.5 All reasonable alternatives to compulsory acquisition have been explored. Given the national and local need for the Scheme and the support for it found in policy, as well as the suitability of the Order land (for the reasons outlined above), compulsory acquisition of the land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights is justified.
- 11.1.6 The proposed interference with the rights of those with an interest in the Order land is for a legitimate purpose, namely the Scheme, and is necessary and proportionate to that purpose. The Applicant considers that the very substantial public benefits to be derived from the proposed compulsory acquisition would decisively outweigh the private loss that would be suffered by those whose land or interests are to be acquired, and therefore justifies interfering with that land or rights.
- 11.1.7 The Applicant has set out clear and specific proposals for how the Sites, Grid Connection Route A and Grid Connection Route B will be used.
- 11.1.8 The requisite funds are available to meet any costs of land acquisition and compensation payable as a result of the use of powers of compulsory acquisition.



## 12 Further information

### 12.1 Negotiations

12.1.1 Owners and occupiers of property affected by the Sunnica DCO who wish to negotiate a sale or discuss matters of compensation should contact Lynn McHale of WSP (telephone – [REDACTED]; email – [REDACTED]@wsp.com).

### 12.2 Compensation

12.2.1 Provision is made by statute for compensation for the compulsory acquisition of land. Helpful information is given in the series of booklets published by the Department for Communities and Local Government.

- a. Booklet No. 1 - Compulsory Purchase Procedure;
- b. Booklet No. 2 - Compensation to Business Owners and Occupiers;
- c. Booklet No. 3 - Compensation to Agricultural Owners and Occupiers;
- d. Booklet No.4 - Compensation for Residential Owners and Occupiers; and
- e. Booklet No.5 - Reducing the Adverse Effects of Public Development: Mitigation Works.

12.2.2 Copies of these booklets are obtainable, free of charge, from:  
<https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>

# Appendices

## Appendix A Rules in relation to the determination of the cable corridor width.

Rule	Justification	Width and Depth (metres)
400kV Cable Trench	<p>This trench is for the connection to the Burwell National Grid –This will contain one circuit of 400kV cables. This option will also contain fibre communication cables and earthing cables. The trench will need to be up to 3.5m in width. The trench will be at its maximum width at the top in order to prevent the soil from sliding and collapsing the trench. The depth will be up to two metres.</p> <p>In some areas (as noted below) it will be necessary for there to be two trenches dug. This will be required where the cable circuits need to have separation, as is the case where the cable crosses a road or the undertrack crossing of Network Rail assets.</p>	Up to 3.5m wide and 2m deep
Jointing Bays	One set of cables (one circuit) will sit within one bay 18.5m in length, by 3m in width and 2.5m in depth.	Up to 18m long, 6m wide and 2.5m deep
Fibre Bays	<p>Fibre cables will be connected and accessed via jointing boxes every 1000m-2000m. A modular prefabricated industry standard system will be used and accessed via a hatch from the surface. These will be located at either the edge of the field or in a hard-surfaced area. Such location will be determined during the final design stage.</p> <p>In order to locate the access hatch in a suitable area (e.g. footway or field boundary), it may be necessary to move the access hatch a few metres from the location of trench itself. The access hatch can be covered but will not be buried and the ground above will not be usable for farming purposes.</p>	Up to 1.5m long, 1m wide and 2m deep
Unconstrained land	<p>A working width of 30m is required where the land has been surveyed and deemed to be unconstrained. This is due to requiring sufficient space for the trench width itself and for vehicular access and working space for materials and for the storage of soil which will be removed and then replaced in layers.</p> <p>There remains a need to retain some additional width to allow for micro-siting for currently unidentified matters; this may mean some flexibility is required. While the unconstrained land appears unconstrained today, there may be constraints that are identified once construction commences, such as identifying previously unknown services. As such, the 30m width provision provides the ability to still lay the cables within the trench even if unexpected issues arise prior to construction.</p>	Up to 30m wide

<p>Constrained land</p>	<p>A working width of up to 50m is required for constrained land. The additional width, beyond the 30m identified for unconstrained land is required due to to a specific constraint or potential combination of constraints that have been identified following survey works that were undertaken. These constraints typically result in challenging engineering works/solutions that fall within one of the following five categories:</p> <p>1) <u>Route Deviation:</u></p> <p>Any cable will have a maximum pulling tension and minimum bending radius. These are determined during the pre-construction phase and will be influenced by a number of factors including cable size, material, construction and manufacturer. Exceeding either of these can be detrimental to the performance and durability of the cable in service.</p> <p>Changes in either horizontal or vertical alignment will inevitably increase the pulling tension and as a result, best practice is for cables to be pulled in a straight line wherever possible.</p> <p>There are sections of the cable route that may require significant or repeated alignment changes. A wider construction width at these locations allows for the impact of these changes to be mitigated. Measures could include increasing the radius of individual curves, flattening repeated alignment changes, short sections of open lay, or the use of intermediate joints.</p> <p>2) <u>Obstructions:</u></p> <p>Known obstructions along the Sunnica Route include land of archaeological importance, conservation areas and ecology sensitive areas such as badger setts, hedgerows and tree root, planted areas, field boundaries and drainage. A wider construction width is required at these locations to allow for alignment changes necessary to avoid these obstructions.</p> <p>3) <u>Access Issues:</u></p> <p>There are sections of the Sunnica route where site access onto the cable route corridor from either the public highway or onto the cable route corridor from internal roads or tracks is extremely limited. This means that plant machinery and materials will need to travel along sections of the cable route corridor in order to reach the work site. As such, a wider construction width is required at these locations to provide lateral separation between transport movements and ongoing excavation and cable laying works. Additional space will also be required for the stockpiling of both materials and spoil.</p>	<p>Up to 50m wide</p>
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	<p>4) <u>Horizontal Directional Drilling (HDD) Required:</u></p> <p>A number of sections requiring HDD have been identified during survey works. An increased construction width is required at these locations for reasons that include:</p> <ul style="list-style-type: none"><li>a. To allow spacing of the bores;</li><li>b. To allow for the excavation of the launch and receive pits;</li><li>c. To allow space for the additional heavy plant required;</li><li>d. To allow space for the materials required at hand (e.g. water tanks, bentonite, duct); or</li><li>e. To allow for the safe movement and turning of vehicles.</li></ul> <p>5) <u>Adjacent Structures</u></p> <p>There may be structures adjacent to the cable route corridor where the final engineering solution has not yet been determined. An example of this is a section of route to the south east of Sunnica East Site A where the cable route may be able to pass through an existing tunnel. If this is not viable for any reason, HDD will be required. Additional width will also be required at this location to ensure that the works do not adversely impact the existing structure.</p> <p>The additional width provides room for the placing of cables within that width in order to overcome the issues that are expected to arise during the construction phase. Similarly with the unconstrained land there is the need to have regard to other land interests within the cable route corridor that are currently known or potentially not yet discovered.</p>	
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<p>Specific pinch points</p>	<p>Where specific pinch points have been identified, a width of circa 100m (although sometimes in different dimensions) is required and has been allowed for. This is necessary to ensure that, if necessary, a complex engineering solution can be deployed. There are four specific pinch points currently identified:</p> <p>1) <u>Between Sunnica West A and in the vicinity of Chippenham Road:</u></p> <p>There are two significant constraints located immediately to the north of Chippenham Road:</p> <ul style="list-style-type: none"> <li>i. Area of potential archaeological interest; and</li> <li>ii. Hedgerow belt of potential ecological interest.</li> </ul> <p>Further survey works will be carried out during the pre-construction phase in order to determine the most appropriate cable route within the available envelope. At this stage however, it is necessary to retain a corridor width of circa 100m in order to offer sufficient flexibility to locate the cable in an unconstrained location and limit the impact of the works.</p> <p>2) <u>Between Sunnica West A and the area to the west of the A142 / the railway line running north west towards Ely:</u></p> <p>This section of the route is subject to a number of constraints and engineering challenges.</p> <ul style="list-style-type: none"> <li>i. Directional drilling will be required to pass beneath the A142 and the adjacent railway line;</li> <li>ii. There is limited access for labour, plant and materials throughout this section;</li> <li>iii. A requirement to cross an existing high pressure gas main running approximately north – south in the vicinity of Newmarket Road;</li> <li>iv. There are significant areas of potential archaeological interest located on each side of the A142 / rail crossing;</li> <li>v. Significant alignment changes are required in both plan and section.</li> </ul> <p>The combination of constraints across this section means that an increased corridor width of circa 100m will need to be retained in order to complete the works.</p> <p>2) <u>Between the land to the west of Broads Road and Factory Road/ Little Fen Drove.</u></p> <p>Directional drilling will be required in several locations in order to cross drainage and field boundaries.</p> <p>There is limited access available across this section and in order to accommodate the necessary equipment and materials required, a wider cable route corridor width of circa 100m is necessary.</p>	<p>Up to circa 100m wide</p>
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3) Between Lode Side Drove and Newnham Drove.

There is currently no geophysical data available for the above-mentioned section. A further survey will be carried out during the pre-construction phase in order to determine the most appropriate cable route within the available envelope.

There are also several constraints which will have an impact on this section of the route:

- i. The need to avoid the existing underground cables associated with Lightsource BP Goosehall solar farm owned by UKPN;
- ii. The need to maintain minimum safe working distances from the existing overhead cables and pylons;
- iii. Potential constraints relating to the location of our infrastructure within the existing Burwell site, which at this stage cannot be confirmed;
- iv. Potential requirement to avoid other buried infrastructure that may not appear on the existing records.

The combination of these factors means that an increased corridor width of circa 100m will need to be retained in order to complete the works.

Areas where no geo-physical data	Where no geo-physical survey data has been recorded through the survey work owing to lack of access (either as a result of no landowner permission despite Sunnica engagement or overgrown vegetation) then a 100m width is allowed for. This is so that there is flexibility in siting the cable and associated working areas within the working width of the cable route corridor should some sensitive underground archaeology be identified prior to construction during the strip, map and sample process or from subsequent geo-physical survey work when access is secured.	Up to 100m
Option agreements	Where an option agreement is in place, the cable width will be reflected to the extent agreed in such agreement.	Typically 50-100m wide or a bespoke alternative area
Permanent easement	<p>A permanent easement width is typically. This is to allow sufficient width for the cable trench itself and the necessary jointing and fibre bays to within such width and to allow future access and work, as required. The additional width beyond the assumed widest infrastructure (jointing pits at 6m) enables a working area on either side of the infrastructure should maintenance be required. The additional width also provides stability on either side of the infrastructure for stability. The decision on the location of the jointing pits will only be made during the final detailed design pre-construction phase. As such, at the consenting stage, the easement likely to be required is 10m in order to provide the flexibility to place the jointing bays wherever they are required.</p> <p>On either side of the Network Rail undertrack crossing, the permanent easement would likely need to be 20m wide in order to allow for the separation distance between the cables that has been calculated for engineering reasons.</p>	Likely 10m – 20m wide, but this is dependent on detailed design and ground conditions.
Network Rail crossing and surrounds permanent easement	When the two or four circuits of 132kV or 400kV cables cross under the Network Rail tracks they are required to be separated from each other by up to 9m (measured from the center of each core/ bore) with an additional 5m width from the widest cables to satisfy engineering requirements and ensure safety given the geotechnical results of the soil in the crossing location. Additional width is required on both sides of the Network Rail undertrack crossing to ensure that the cables can be the requisite distance apart as it crosses under the tracks and surfaces on each side where it will be subsequently joined again into a single trench.	Up to 46m wide