

Say No To Sunnica Action Group Ltd

15<sup>th</sup> February 2023

Dear Sirs

SAY NO TO SUNNICA

Sunnica – EN010106

Unique Ref: Nos: 20031080

We are very concerned that matters that have been requested by the ExA or promised by the Applicant, Sunnica, have not to date been submitted. Furthermore, no indication has been given by Sunnica whether it is intended by them that they are to be submitted or not, nor if so when.

It is only fair that we have adequate notice of such matters and given the need for time to be given for consideration and involvement as necessary by our experts, substantial prejudice may be caused if new evidence is to be submitted with inadequate notice. The matters in question are as follows and go to the root of whether the proposed application site is able to be developed for a solar scheme in accordance with government policy or is contrary to such policy.

#### A. ALC Land Quality

Access to the Sunnica Site to verify the conclusion of the Daniel Baird Soil Consultants (DBSC) report [APP-115] in which DBSC surveyed 924ha of the Sunnica site and found less than 1% Best and Most Versatile land shown on [APP-115 -6.2 page 9 table 5-3]. The ExA will be aware that SNTS has repeatedly put forward extensive evidence by independent experts that disputes not merely the findings but the application by DBSC of standard methodology are flawed.

To date there has been continuing and repeated rejection of ways put forward by SNTS to seek to resolve the matter, including permitting our experts access to the relevant land to carry out their own surveys, and also the suggestion of carrying out a joint survey of the land in question.



In the absence of such agreement to verify the findings of DBSC which our experts have rejected in evidence as being unreliable, not in accordance with guidance and therefore unable to be accepted, we shall invite the ExA to draw inevitable adverse conclusions concerning the adequacy and reliability of the DBSC report on ALC, including drawing attention to the adverse findings of the Planning Inspector in his Report into the Ripon Motorway Service Area where DBSC were responsible for producing the report referred to as the Savills report [ REP2-240D P94-98 paras 146 to 177], including the references below. As found there by the inspector, the DBSC approach to justifying a reduction from BMV to Grades 3b and 4 as in the Sunnica case was “largely unconvincing”, to use the words of the inspector at Ripon.

Important and relevant answers remain to be given to the following by Sunnica/DBSC:

a/ Inspection Pits: Why were so few inspection pits dug,

why were they not observed or recorded in accordance with Best Practice Guidance set out in the Soil Survey Field handbook,

why they were dug in unrepresentative locations,

why were no subsoil lab tests carried out, only topsoil,

why was a map of pit locations not provided only grid references which had to be reinterpreted,

why were no photos of the pits to support assertions taken

We note by way of comment that this is consistent with the Inspectors criticism at the Ripon inquiry of the Savills report [REP2-240d -p96 para 159].

[REP6-051 Appendix 1] shows the unrepresentative locations chosen for the pits on the Sunnica site marked in red, with 3 pits on the headlands of fields, and none on the Grade 2 land shown on the ALC map [REP6-051-App1] , and 2 on areas shown on the ALC map as grade 4 land, the worst quality ALC land on the whole of the application site [See the plan REP6-051 Appendix1] with the pits marked, taken from grid references taken from DBSC evidence [Ref REP6-051 Appx 1 p6 plan red dots and DBSC evidence at APP115-6.2 Annex F pp84-86]. The sites chosen for the pits have for whatever reason avoided the BMV grade 2 areas identified on the ALC map. By comparison, ADAS on behalf of MAFF on the area next to the A14 east of the A11 (189ha) dug 8 pits.[RefAPP115-6.2-P45]

b/ Why the auger borings are consistently shallower than would be expected given the mapped soils of the area. This is consistent with the Inspector’s criticism at the Ripon Inquiry [REP2-240d -p96 para 159, 165,166 and 170]. Please also see below details of work carried out by Sam Franklin.



c/ No details have been given to support the Moisture Balance calculations that were used by DBSC to establish the ALC grading of the site. This is consistent with the Ripon inquiry [REP2-240d-p97 – para's 166 to 170] This information was requested by SNTS in August 2022 and commented on by RAC [REP2-240d p137-138 para 5.14 to 5.17] and referred to in the [additional submission form Sunnica dated 6<sup>th</sup> December 2022 as requested by Natural England in the form of a Technical Note as the last point in para 3 Socio - economic and land use]. This information is critical to understanding the grading of the land.

d/ No explanation has been given why DBSC has downgraded grade 2 land (70ha found by ADAS next to the A14/A11) [APP115-6.2-P49] by 2 grades to grade 3b, even accepting their argument of a downgrading due to irrigation - which is not accepted as being published current guidance or policy on the Natural England website.

e/ No adequate explanation has been given by the Applicant as to why DBSC's report fails the British Society of Soil Science's Guidelines for a professionally acceptable ALC report, as more particularly set out in [REP4-045]

We refer to efforts made by SNTS to resolve the matters in dispute, which should be able to be achieved by professional experts, if the findings of DBSC are verified on site. Considering the unsatisfactory situation detailed above, SNTS recently for the fourth time asked for access by their experts to the Sunnica site, accompanied by DBSC, to take soil samples initially on Sunnica East A to verify the DBSC report.

Details of this request have been included in AG Wright and Son Farms Ltd's submitted evidence [REP6-051 Appendices 4 to 7]. Access was not granted. Sunnica replied to the letter (copy attached) stating in the final paragraph that 'little can be gained by undertaking a joint survey' which, to say the least, is illogical and can be taken as a clear refusal by Sunnica to co-operate with SNTS and seek to resolve the position. Again, we shall invite the ExA to draw the inevitable adverse conclusion that the DBSC evidence is unreliable, not transparent and has been refused to be verified by a meeting of experts on site.

Further, DBSC has also not responded to repeated requests by Peter Danks of RAC to explain their position on a number of points in the preparation of a Statement of Common Ground on ALC. Such a document is critical to ensuring that the ExA understands the reasons underlying SNTS' rejection of the findings of the baseline study of land quality. It should include the points of agreement and disagreement between the parties but if no explanation is given for a position being taken, little progress can be achieved.



As SNTS and its independent experts were repeatedly denied access to the application site to take samples, and with the end of the examination in sight, SNTS had no option but to obtain further evidence that the report submitted by DBSC is professionally unreliable and needs to be independently reviewed. This has been submitted separately.

SNTS through RAC commissioned Sam Franklin, a Soil Scientist and member of The British Society of Soil Science (credentials attached), to take auger bore samples on the nearest and comparable location to those undertaken by DBSC, on the boundary of Sunnica East Site A on land owned by Cambridgeshire County Council on the 10<sup>th</sup> February 2023, with the permission of the tenant farmer.

The samples were taken 4 metres from the boundary with Sunnica East Site A by SNTS - Pit 6 shown marked blue in [REP6-051 Appendix1]. The land on the Sunnica site opposite and less than 10m away (DBSC Sample numbers APP115 P.101. LF164) is concluded by DBSC to be Grade 4 with auger boring depths being restricted to 30cms, which SNTS's experts found unreliable and not in accordance with the MAFF 1988 guidance which remains current. Mr Franklin wished to ensure that he had clear verifiable evidence of the way that he took the auger boring and so he made a contemporaneous video. His video and Report (attached) shows boring depths to 75/80cms of a medium clay loam with a porous soft chalk at 80cms. Sand and stone were not a factor. Mr Franklin graded this land as Grade 2.

It is highly irregular to have a three grade difference in ALC grade (from grades 4 to 2 as concluded by DBSC) within such a short distance and therefore in Mr Franklin's opinion this throws the DBSC sample into doubt. If the land on Sunnica East site A is not restricted to a 30cm depth as claimed, Mr Franklin has concluded that it will not be grade 3b or 4 but it will be BMV land grades 3A and 2.

Natural England have been contacted but have declined to meet SNTS's experts as they say that they do not engage with interested parties. They have, however, met with DBSC / Sunnica. A copy of this email has been sent to NE, DBSC and Sunnica. To attempt to resolve this matter concerning the accuracy of auger borings, we ask that the ExA visit the site with SNTS's experts and representatives from DBSC/Sunnica to observe for themselves an auger boring taken in the location of LF164 and the soil depth able to be obtained.

If the DBSC report is unreliable and flawed as SNTS and its independent experts claim, it cannot be concluded that less than 1% BMV of the 924ha site area of the site is BMV land, as concluded by DBSC. It is more likely than not that a substantial part of the site i.e. over 50% is BMV, as the 2017 Natural England predictive BMV land Map indicates [REP2-097 u p3]. If the inevitable adverse conclusion against DBSC and Sunnica is not to be drawn, the ALC matter must be further investigated.

B. Carbon

Cranfield University have requested the explanation and information of the formula used by Sunnica to alter (NB for the third time) their Carbon calculations. These methods of calculation have not been provided to allow the conclusions reached by Sunnica to be confirmed. Again, if not provided, the inevitable adverse conclusion is to be drawn that the conclusions and calculations of Sunnica are unreliable.

We look forward to hearing from you.

Yours Faithfully



On behalf of SNTS