



SUNNICA ENERGY FARM
DCO EXAMINATION
DEADLINE 8 SUBMISSIONS

SAY NO TO SUNNICA ACTION GROUP LTD

13 March 2023

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Introduction

1. The Say No to Sunnica Action Group Limited (SNTS) is an interested party (ID No 20031080) in the DCO examination.
2. In this document SNTS provides comment on documents submitted at Deadline 7 (**Part A**). As this is the last Deadline for substantive submissions, SNTS also provides some summary submissions about the extent of matters remaining in dispute (**Part B**).
3. As has previously been noted (including in our submissions at Deadline 7), a significant aspect of how the Applicant has presented its case is repetition of points previously made. As a result, SNTS does not reply to all parts of the Applicant's submissions, but instead confines itself to new information on which it is of the view that it must comment. This approach has also been adopted in the notes produced by our experts. However, SNTS maintains and repeats its case as presented in past submissions.

Appended Papers

4. The following papers have been produced by addressing documents submitted at Deadline 7 (to accompany Part A of this note):
 - a. A paper by John Jeffcock of Michelle Bolger Expert Landscape Consultancy on landscape and visual impact matters **Appendix A**.
 - b. A paper produced by Dr Richard Hoggett of Richard Hoggett Heritage on heritage matters **Appendix B**.
 - c. A paper produced by Dominic Woodfield of Bioscan on ecology and biodiversity matters **Appendix C**, and a supplementary paper on the REIS **Appendix D** which is in addition to that paper submitted at Deadline 7 [**REP7-076** at pp.21-22].
 - d. A paper produced by Peter Danks of Reading Agricultural Consultants on ALC and general agricultural matters **Appendix E**.
 - e. A paper from SNTS on BESS and fire safety **Appendix F**.
 - f. A paper from SNTS on PROWs **Appendix G**.

5. As to Deadline 8 summary notes, the following have also been provided by our experts where it would particularly assist the ExA (to accompany **Part B** of this note):
- a. A summary paper by John Jeffcock of Michelle Bolger Expert Landscape Consultancy on landscape and visual impact matters **Appendix H**.
 - b. A summary paper produced by Dr Richard Hoggett of Richard Hoggett Heritage on heritage matters **Appendix I**.
 - c. A summary paper produced by Dominic Woodfield of Bioscan on ecology and biodiversity matters **Appendix J**,

PART A

Comments on Action Point 7 from ISH4 [REP7-073] and [REP7-064]

6. Suffolk CC produced, and the Applicant commented on, proposed drafting for the draft DCO which would implement the removal of various plots identified by the Councils from the scheme. SNTS has already indicated that, while its primary position is that the scheme should not be consented in its totality, that its secondary position is to associate itself with the position as advanced by the Councils.
7. SNTS notes the draft produced by Suffolk CC and the response by the Applicant. SNTS associates itself with the position advanced by Suffolk CC; to the extent that the Applicant takes issue with the proposed drafting, it is incumbent on it to assist the ExA and engage in this process. This is indicative of the broader way in which the Applicant has failed to engage with the possible removal of these plots; a proposal which has been apparent since the LIR became available at Deadline 1.
8. Indeed, in the final two lines to para 1.1.3 of the Applicant's comments [REP7-064] are telling. There it says:

If the ExA is minded to seek the removal of field parcels from the Scheme the Applicant would ask that this is set out in the ExA's commentary on, or schedule of changes to, the draft DCO which is to be published on 10th March 2023. The Applicant will then consider how those changes could be given effect, if at all.

9. The Applicant has clearly not considered this option. When criticisms are advanced against the proposals of Suffolk CC this is done from a position of assumption and assertion. It is not done from a position grounded in fact. That the Applicant has not worked through an alternative case cannot weigh in its favour in the planning balance when the Secretary of State assesses the main case. In circumstances where the ExA might have consented a scheme with some or all the parcels identified by the Councils removed, but the Applicant has not provided the necessary fallback application, the scheme must be refused.
10. Indeed, where the Applicant relies on assertion alone to deny the Councils' position, an adverse inference should be drawn in assessing the planning balance of the scheme as advanced by the Applicant. In addition, the ExA should be very cautious in assessing any last-minute proposal for a fallback scheme (as is suggested by para 1.1.3 cited above). Such a proposal would come at a late stage with no possibility for input from Interested Parties. This should weigh against any such last-minute proposal.

Comments on the Funding Statement [REP7-005]

11. An updated funding statement has been issued by the Applicant. SNTS maintains its position as advanced previously (most recently at resumed **CAH1** and the post-hearing submission [REP7-084]). The information provided remains insufficient, and far below the '*as much information as possible*' envisaged by the DCLG guidance (which we quoted at para 44 of [REP7-084]). This clearly does not provide compliance with the guidance to '*its fullest extent*'. It is also not compliant with the position in law which SNTS commented on in its Deadline 7 submission (see para 49 of [REP7-084]).
12. While a little further detail is given on the estimated costs of the scheme, the overall calculation is left, essentially, to the ExA and the Secretary of State taking the Applicant's position on trust. Such an approach is inappropriate considering the powers sought. If the Applicant and its group companies are as experienced as is described, it would be quite easy for a summary of costs and viability to be provided. An adverse inference should be drawn in circumstances where information could very easily have been provided, but the Applicant has instead chosen to base its position on assertion.
13. Those factors identified in our submissions at [REP7-084] para 48 remain as factors which would have increased the expense of the scheme. Indeed, the Applicant's reply to the ExA's Third Written Questions includes a paper which addresses (among other things) the scarcity and expense of lithium ([REP7-055] page 45 et seq). As to the vague assertion that the removal of Sunnica West B has offset any costs increases, this is again un evidenced and unexplained assertion. To make such a comment, the Applicant must have calculated the cost of each; it has again failed to provide that easily obtainable information to this examination.
14. We also note that the Applicant has provided the report to the Secretary of State in the Cleve Hill Solar Park case (a 360ha and 350MW scheme) [REP7-066]. At 11.5.23 of that report it is noted that the estimated cost of that scheme was £450 million. Considering this is a significantly smaller scheme, and the change in financial climate in the UK, this prima facie indicates an underestimation of Sunnica's expense. Had a proper break down been provided, instead of assertion, the ExA could be satisfied as to the calculations undertaken and the figure expressed.
15. Finally, as to decommissioning, we note the addition at [REP7-005] that decommissioning is secured by an undertaking to the landowners to create a form of security during the operational stage from its revenues. Having not seen the evidence of this, it is difficult to comment, and the utility that provides to the local and national government is unclear. As to the point that at 9.1.38 of [REP7-066] and elsewhere that a

decommissioning bond is not required because of rigorous criminal liability; this misses the point. Criminal liability may make failure to comply less likely. But it does not remove the threat of non-compliance entirely.

16. Thus, if non-compliance does occur, this provides no route for recourse to local and national government to recover the costs of any such decommissioning. Whether someone faces criminal sanction, the taxpayer will still be out of pocket and decommissioning detailed. A decommissioning bond does not just minimise the chance of a failure to properly decommission, but also provides protection for when any such failure does materialise.

Comments on the Applicant's Response to the ExA's Third Written Questions [REP7-055]

17. In respect of Q3.0.5, SNTS disputes that any of the 'benefits' identified for local communities are actually such benefits.
 - a. In respect of decarbonisation, this is not a local benefit; if the scheme were built on the other side of the country local communities in East Cambridgeshire and West Suffolk would still receive this benefit. This 'benefit' provides no recompense for the significant harm that local communities will specifically suffer as a result of hosting the scheme.
 - b. In respect of BNG, SNTS identifies significant flaws in the information provided by the Applicant which has been explored elsewhere. The information available is insufficient to evidence any local benefit here.
 - c. As to archaeology, it is not a benefit to remove items from the developable area of the scheme; this is at best a mitigation of harm the scheme will otherwise do to buried and above ground archaeology.
 - d. As to access, SNTS has significant doubts about the value of the permissive routes, particularly in the context of the degraded and industrialised local landscape. This is addressed in more detail in SNTS's note submitted on PROWs at **Appendix G**.
 - e. On soils and water, SNTS's position on soils and harm of the scheme has been very clear. Research on this subject remains limited in its assistance to the Applicant. As to water, the benefits are described as a potential, and the harms to from the scheme need to be balanced against this (e.g. the harms of cleaning products used on the PV panels, or emissions from construction).

f. On employment, SNTS stands by the position it advanced in its Written Representations at section 9 [REP2-240]. Much of the expertise must come from outside of the local area (e.g. use of Smith Brothers Ltd for electrical matters). The Applicant also does not engage properly with agricultural and HRI job losses, nor harm to businesses (e.g. the La Hogue farm shop and café addressed at [REP2-115], and other harm [REP2-170] as examples).

18. As to funds set aside on s.106 agreements, these should not be seen as a benefit of the scheme (for the reasons expressed by Mrs Rhodes for Cambridgeshire CC at ISH4). These are funds to mitigate the harm of the loss of connectivity and degradation of the value of PROWs. We say they cannot be full mitigation, and certainly should not be regarded as a benefit. This is a point SNTS also make in respect of the Applicant's answer to Q3.9.11. We take the same position in respect of those other funds suggested for s.106 agreement, including in respect of stone curlew research.
19. Ultimately, there is little benefit to locals from this scheme. There is not even proposal of energy subsidies for locals (which have been provided in other types of energy generating scheme). This must be a factor tending against the scheme in the planning balance.
20. Where necessary, other aspects of [REP7-055] have been commented on in the submissions of our experts.

Comments on the Applicant's Reply to IP Submissions [REP7-056]

21. Comments here are provided by reference to the page on which the Applicant's comment in [REP7-056]. We do not reply to every point as this would be tantamount to restating our arguments but add comment where something useful and new can be added.
22. Page 6 ('Whether the effects of the scheme will be temporary or permanent'): the ExA will have our general point on this issue, which mirrors the view of the Councils. However, a few specific responses:
 - a. In respect to giving weight to the temporary or permanent (or quasi-permanent) nature of the scheme, the ExA and the Secretary of State are clearly capable of assessing how the schemes impacts and harms weigh in the planning balance. The point is those harms and impacts should be given certain weights considering the nature of the scheme. We say, in assigning weight to these impacts and harms, there should be little difference in the weight assigned to the negative impacts and harms because of the Applicant's view that the scheme is temporary, when compared to the impacts and harms of a permanent equivalent. It is not about examining the wrong scheme but about properly assigning and weighing harm.

b. SNTS strongly disagree with the suggestion that evidence has not been presented of the enmeshed communities and how harm will be done to these communities by the schemes. Much individual evidence was provided on this issue at **OFH1** and **OFH2**. Mr Jeffcock has provided expert evidence on the landscape and visual impact on connections between towns. SNTS, the Councils (most notably Ms Rhodes), the Fordham Walking Group and many others have provided submissions and evidence on connections and walking routes. Many of the relevant representations and written representations give specific examples of how harm will be done to the enmeshed communities. To suggest this evidence is not available is a concerning submission this late into the Examination.

c. At the Deadline 7 SNTS made submissions that the s.106 agreement should be seen as mitigation only. Particularly problematic is the failure to provide interconnectivity within the scheme. As to the HRI, that has been dealt with at length elsewhere.

23. Page 18 (Source of calculations to quantify the carbon benefits of BESS): SNTS has been quite clear what further information is required; the underlying calculations leading to the assessments of each scenario advanced by the Applicant. This has been requested and the Applicant has not provided this.
24. The comments of Cranfield stand on the carbon emissions issue. It is very difficult to provide any useful response to the other parts of the reply when the Applicant has concluded it will not provide underlying information. We do maintain the position we have advanced that the scheme is overall a net increase in GHG emissions and therefore in the adverse category of harm. In doing so, SNTS maintains its position on the operational intensity of the scheme and the justification for not only considering emissions from OCGT and CCGT as a comparison.
25. Where necessary, other aspects of **[REP7-056]** have been commented on in the submissions of our experts.

PART B

General Position

26. As the Examination is drawing to a close, SNTS provides a short summary of the current position of its submissions made in respect of the Application. The ExA will now be in receipt of the SoCG between SNTS, the Newmarket Horsemen's Group, and the Applicant. Important points of agreement have been reached. However, much remains in dispute.
27. SNTS highlights, as is made clear in the SoCG itself, that the SoCG is not inclusive of all important matters. It is rather indicative of the time and resources available to discuss the SoCG. Matters not in the SoCG but in the submissions of SNTS remain important, in many cases key, parts of its case. It is hoped this short summary will assist the ExA in appreciating that position. It follows the ordering of our Written Representations at [REP2-240]. On issues where many submissions have been received by the ExA, we have asked our experts to produce a short summative note.
28. None of the following detracts from the totality of SNTS's submissions, which remain important and extant. All of those submissions are commended to the ExA.
29. The matter of the cumulative impact intrinsic to this scheme has been oft referred to by SNTS. Indeed, in our view it is the significant departure of this scheme when compared to others (Little Crow, Longfield, Cleve Hill) which sets Sunnica apart. This issue is causative of the particularly significant harms of this scheme, including the industrialisation of a landscape and cutting of enmeshed relationships between communities. It is a matter which remains at the forefront of SNTS's submissions.
30. The ExA has the benefit of extensive documentation from John Jeffcock on landscape and visual matters. Some issues have been agreed in the SoCG, but much remains disputed. SNTS notes that its concerns about the scheme closely mirror those advanced by the Councils. Ultimately, this scheme was flawed at the site selection stage (with landscape and visual impact entirely ignored) and this has led to very harmful and unmitigable impacts. SNTS does not accept that NPS EN-1 in any way excuses this, and submissions on the interpretation of that policy have been made both by us and Mr Jeffcock. To assist the ExA a summative paper has been produced by Mr Jeffcock **Appendix H**.
31. On heritage, the ExA has had the benefit of a number of documents produced by Dr Richard Hoggett which has provided a detailed response to the Applicant's case. Again, there has been some agreement in the SoCG, but it remains the case that SNTS maintains that the Applicant has significantly underestimated the heritage

harm of this scheme. SNTS notes that its concerns about the scheme closely mirror those advanced by the Councils. In addition, for both landscape, visual, and heritage reasons, SNTS remains in support of the removal of W03-W12 (albeit SNTS's primary case is that the entire scheme should be refused consent). Some of this error stems from the complete failure of the Applicant to engage with the significance of the Limekilns in landscape, heritage, and HRI terms. To assist the ExA a summative paper has been produced by Dr Hoggett **Appendix I**.

32. On agriculture, the ExA has had the benefit of the work of Peter Danks. Clearly, there remains a significant dispute between SNTS and the Applicant on the assessment of soils and BMV land. SNTS maintains that its evidence and position is to be preferred, but in fallback accepts (as the Council recommend) that a reasonable worst-case assessment of BMV might be undertaken [**REP7-095**]. Such a reasonable worst-case assessment of BMV is liable to be a high one, close to that reached by Mr Danks (and in excess of 50%). This matter is explored in more detail in the paper produced by Mr Danks on the Councils' submission at **Appendix E**.
33. On ecology and biodiversity net gain the ExA has had the benefit of a number of documents from Dominic Woodfield. While there has been some agreement in the SoCG, and the Applicant has made some changes to its approach in light of our concerns, much remains in dispute. Again, SNTS notes that its concerns about the scheme closely mirror those advanced by the Councils, and it remains in support of the removal of E05, E12, and E13 (albeit SNTS's primary case is that the entire scheme should be refused consent). To assist the ExA a summative paper has been produced by Mr Woodfield at **Appendix J**.
34. On the Horseracing Industry the ExA has had the benefit of the reports of Richard Sykes-Popham, along with first-hand accounts of those involved in the industry. Newmarket's premier place in the industry does not seem in dispute. However, SNTS maintain its view that the scheme is a threat to that placement considering how the industry functions and the threats facing it. Again, much of the failure of the Applicant has been to engage with the significance of the industry, and the significance of the Limekilns for which the scheme is particularly harmful.
35. On the impact of the scheme on local communities, the ExA has now had the benefit of evidence from individual residents in their submissions and at Open Floor Hearings. Much of the harm that individual residents report stems from the particular design of this scheme, being one which surrounds settlements and severs ties between communities. These are harms that will remain for generations, whether or not the scheme should be technically understood as temporary or permanent. SNTS maintains that the harms identified by residents, including to their sense of place, links to other communities, and the enjoyment of

their homes are significant and weigh heavily in the planning balance. A better designed and a better located scheme would have avoided these harms.

36. On skills, the supply chain and employment, SNTS has made a number of points. These include that the benefit to the area is minimal at best as significant portions of the skills, supply chain, and employment must come from outside of the local area. It is also transient (in the construction and decommissioning period) or minimal (in the operational period). In contrast, the losses to locals through harm to agricultural jobs, jobs related to the HRI, and other ancillary roles is considerable. The ExA has the information available to it; overall the scheme can only be interpreted as a net negative to the local area in these terms.
37. On impact on recreation the ExA has received a number of submissions from SNTS and others on Public Rights of Way (PROW) in the local area. Much of the personal evidence in the relevant representations and Open Floor Hearings has gone to the harm that the scheme will do to individuals' enjoyment of the local area. With a landscape changed to an industrialised one focused on energy generation, a degradation of local views and the time spent enjoying the countryside, harm to recreation is a significant negative of the scheme. It is unfortunate that the Applicant has failed to properly assess this harm (e.g. in respect of green space use of the Limekilns) or has consistently undervalued this. Use of PROWs, enjoyment of the countryside, and enjoyment of nature are all key to enjoyment of this area. The scheme significantly threatens this.
38. On impact on tourism, the ExA has received submissions from SNTS and others on harms that individual businesses, Newmarket Town, and the surrounding communities will suffer. This includes submissions which have been made in the relevant representations, SNTS's own submissions, and submissions at the Open Floor Hearings. Ultimately, many of the harms to recreation, local communities, the HRI, landscape and heritage directly translate through to harms to those features which are valuable to tourism in Newmarket. SNTS maintains its position that the scheme will be harmful to individually identified tourism assets, and also tourism generally in the area.
39. On greenhouse gas emissions and carbon, the ExA has received papers from Cranfield University which has assessed the position and found the scheme on most cases to be a net increase in greenhouse gas emissions. The Applicant has not disclosed relevant information in this regard and fails to properly engage with the significant emissions of its proposed BESS. The ExA has the competing evidence on this and can assess it for itself. In policy terms, an assessment of emissions is necessary to properly weigh the weight to be given to the benefits of the scheme in policy terms, as being a net increaser of greenhouse gas emissions compared to the baseline over time diminishes the weight of such a justification.

40. On BESS as associated development, the ExA has received submissions on the massive capacity of the BESS in this scheme. SNTS maintains that, without limits imposed in the DCO, the BESS is disproportionate to the energy generating aspect of the scheme (in the PV cells) and indicative of the primary purpose of the batteries which is not connected to generation. Ultimately, the evidence suggests the BESS are proposed to be primarily used for arbitrage and ancillary services for the National Grid not connected to the scheme and its designation as an NSIP. SNTS maintain that, both absolutely and on a Rochdale envelope assessment of the reasonable worst-case use for the batteries, the BESS cannot properly be concluded to be associated development.
41. On BESS, planning and safety the ExA has the reports produced by Paul Christensen and those following which have updated the position. The ExA has also received submissions from Dr Edmund Fordham on this issue, including on matters of hazardous substances consents and COMAH regulation. SNTS maintains its position advanced in the various notes produced and continues to associate itself with the position of Dr Fordham. BESS and fire safety remain a significant concern which cannot be swept away with insufficiently evidenced assertions, a lack of information about BESS, and an insubstantial outline battery fire safety management plan.
42. On decommissioning, SNTS maintains its range of concerns. This includes whether proper assessment has been undertaken of the current baseline so that the success of decommissioning can be assessed, the ways in which decommissioning is secured (including in funding terms, the security of a bond, and a contingency approach in case of failure), and the actual process of decommissioning and recycling the scheme. Considering the Applicant maintains the scheme is wholly temporary, the success of decommissioning and removal of all harm caused by the scheme is a key feature that the ExA must be assured of in assessing the scheme.
43. On the assessment of alternatives, SNTS has made a number of submissions (along with the work of John Jeffcock). SNTS maintains that it is significant flaws in the site selection process and the assessment of alternative available sites which has contributed to the particularly harmful nature of this scheme. The assessment failed to consider important factors such as landscape and visual impact assessments and was overridden by a focus on land ownership considerations. This flawed assessment of the appropriate site is the source of much of the planning harm in this case and must weigh heavily against the scheme in the overall assessment of the planning balance.
44. On consultation, SNTS maintains that the Applicant's approach has been poor and has not secured community involvement. Evidence of this has been on display throughout the process, including at the Open

Floor Hearings and **CAH2**. The poor approach to consultation has deprived the scheme of quality local community input which has exacerbated the harms that will be caused by the scheme if built. This accompanies a lack of an attempt to take communities with the scheme; the matter instead being presented as a fait accompli. This approach is both harmful in planning terms and harmful from the perspective of community consent.

45. On traffic, SNTS has primarily relied on the expertise of the highway authorities. However, submissions have been made in respect of certain areas of road, particularly when they have a significant impact on the amenity of locals. This includes the access to Sunnica West A (at access point B) along Snailwell Short Road, and the use of La Hogue Road. Use of these routes by HGVs will have a significant impact on all users contributing to a decline in safety, and amenity value to locals and their enjoyment of their homes.
46. On justification for compulsory purchase, the compliance of the Applicant's funding statement remains a considerable issue. The ExA has most recently received submissions on this point at resumed **CAH1** and has the benefit of written submissions (including those produced by Alan Smith). Ultimately, to be policy compliant and allow the ExA to make a positive recommendation on compulsory purchase powers to the Secretary of State, more information should have been made available. The policy test is not made. Points on the assessment of alternatives to the scheme (commented on above already) are also relevant to the application of the powers.
47. On issues of noise and light, glint and glare, and hydrology, flooding and drainage, SNTS has made those submissions that were appropriate considering its lack of expertise in the area. These are significant matters raising weighty issues for locals (particularly those who live or work close by to the area proposed by the scheme). Those submissions we have made, and those advanced by the LPAs, remain important ones. For example, noise and light remains a significant concern for nearby residences (e.g. in Red Lodge), failures of assessment in glint and glare across the whole scheme remain, and winter filling of reservoirs remains an important issue in flooding and hydrology.
48. As at the outset, SNTS maintain that the planning balance is not in favour of this scheme. SNTS does not accept the reading of the National Policy Statements that the Applicant takes; this should be a scheme that has good design, good placement, and properly avoids and mitigates harms where appropriate. There may be weight in favour of green energy generation, but the specific harms of the Applicant's scheme significantly outweigh them. The planning balance does not favour this scheme, or (as a secondary position) favours the removal of all those parcels identified by the Councils.

Procedure

49. The ExA will be aware that SNTS has previously expressed significant concern about the approach to this examination adopted by the Applicant. It has been an approach which has suffered from significant repetition leading to a proliferation of documentation, a failure to provide a complete application at the outset, and a drip-feeding of information which has made involvement in the Examination difficult. This is an issue not just raised by SNTS, but a point which has been made by other IPs and the Councils in hearings. This approach has deprived parties of an equality of arms which makes presenting the best case to the ExA problematic.
50. At the time of writing SNTS has had sight of the letter of the ExA dated 10 March 2023 which asked certain questions of the Applicant and slightly modified the timetable. These letters make inquiry relevant to the removal of W03-W12, E05, E12 and E13. We note that the removal of these parcels was a matter identified in the LIR at Deadline 1, and the Applicant has failed to engage with this consideration in a significant way.
51. If the Applicant does pursue this position as a fallback, the ExA will have been deprived of the opportunity to properly examine that fallback, and the IPs deprived of proper time to make submissions on this fallback. SNTS makes the simple point that this is again indicative of the Applicant's problematic approach to engagement in this Examination, and particularly its drip-feeding of information.

Conclusion

52. SNTS commends to the ExA those submissions that it has made throughout the Examination, and the expert reports that it has provided. While some matters have progressed, fundamentally the scheme remains a harmful and inappropriate. For the reasons SNTS has advanced throughout its submissions over the course of the Examination, it maintains the planning balance does not lie in favour of this scheme. And, even if the ExA and Secretary of State do not agree that this requires the entire scheme be refused, SNTS further maintain that the approach of the Councils to seek removal of W03-W12, E05, E12-E13 is the appropriate secondary position.

Appendix A

Landscape Briefing Note 18

Project: 1186 Sunnica PVD
Date: 10th March 2023
Purpose: Response to Deadline 7 Submissions
Reference: 1186 BN18 Sunnica PVD Response to Deadline 7.docx

1. This note has been prepared on behalf of Say No To Sunnica. It provides our comments on landscape and visual matters raised in the following documents submitted at Deadline 7:

Documents submitted by the Applicant:

- 6.2 Appendix 10I Landscape and Ecology Management Plan (Tracked) - Revision: 03 [REP7-016]
- 8.95 Applicant's response to the ExA's Third Written Questions [REP7-055]
- Applicant's response to Other Parties Deadline 6 Submissions [REP7-056]
- 8. 97 Applicant's Response to LPA Deadline 6 Submissions [REP7-057]
- 8.103 Landscape Mitigation Parcel Schedule [REP7-063]

Documents submitted by the Councils:

- The Joint Councils' position on 'parcel by parcel' mitigation and residual effects [REP7-072]
- West Suffolk Council Deadline 7 Submission - Comments on the Applicant's Deadline 6 Submissions and Additional Submissions [REP7-111]

Documents Submitted by the Applicant

**6.2 Appendix 10I Landscape and Ecology Management Plan (Tracked) - Revision: 03
[REP7-016]**

2. The applicant has corrected the errors on the previous version of the OLEMP which were identified in our Briefing Note 14 [REP6-074]. The following updates are most relevant to the assessment of impacts on landscape fabric (Tables 2 & 3):
 - The applicant estimates that the total area of tree loss would be 1.3 hectares. Previously it was 1.565ha. The reason for the reduction in tree loss is not clear. However, it remains the case that the quality of approximately half of all trees to be removed has only been assessed via desktop study and high-level site walkover where possible rather than by detailed tree survey.
 - The applicant estimates that the total area of hedgerow loss would be 2km. Previously it was 1.068km. The reason for this increase in hedgerow loss is not clear.
 - Proposed hedgerow gain or enhancement is estimated by the applicant to be 6km. Previously it was 7.4km. We assume this correction is in response to the errors highlighted in our Briefing Note 14.
3. The applicant has added a provision for the security fence around parcels E12 to E17 to be set back 30m from the outside edge of vegetation along U6006 and for this vegetation to be strengthened with new planting (para 5.2.4 (k)). We welcome clarification of the setback distance but consider that all intervening land within the 30m setback is planted in order to minimise the visual impact of the proposals on people using U6006. Infill planting or natural regeneration around the existing vegetation, as is proposed by the applicant, will not be sufficient to mitigate the significant adverse impacts on the visual amenity of people using U6006.
4. The applicant has clarified that solar panels would be set back approximately 95m from Beck Road in E05, not 118m as suggested in the previous version of the OLEMP. Cross Section 2 in Appendix 1 of the OLEMP has been updated to reflect the correct distance. Cross Section 2 also shows the proposed increase in width of the tree planting between E05 and Beck Road, from 10m to 12m, and the addition of areas of mixed scrub with trees, which are shown intermittently alongside Beck Road on the Environmental Masterplan [REP7-054]. Although these changes would increase the scope for planting to soften views of the development from Beck Road, it is expected that views of the solar arrays and ancillary structures will remain, particularly during the initial years of operation and during winter. Furthermore, as outlined in our previous representations, the planting proposals

themselves would cause significant harm by disrupting the inherent openness of this landscape and eroding its sense of place.

8.95 Applicant's response to the ExA's Third Written Questions [REP7-055]

5. The applicant's response to Q3.7.2 includes comments on the Year 15 photomontages, which have been presented to show a summertime scenario. The applicant states that *'Due to the timing of viewpoints being finalised and seasonal constraints the mitigation planting is superimposed on a winter baseline photograph in these photomontages. Therefore, in such cases it can be assumed that where existing deciduous vegetation is located between the viewpoint and the Scheme, it would be more effective in screening views in summer than is shown in the photomontage'*.
6. The applicant has failed to address the ExA's question, which concerned the extent to which the photomontages *'give an accurate representation of the effects of mitigation planting in winter'* not existing planting during summer. As per our answer to this question [REP7-076], the mitigation planting would be significantly less effective in screening views of the proposals in winter than is shown in the applicant's photomontages for Year 15, at all of the viewpoints referenced in Q3.7.2.

Applicant's response to Other Parties Deadline 6 Submissions [REP7-056]

7. **Page 35 final row.** The applicant's response to the issue raised by SNTS, that landscape harm has been exacerbated by the flawed site selection process, appears to be that the harm doesn't matter because the site is not within a designated landscape and because NPS EN 1 states that all nationally significant energy projects will have effects on the landscape.
8. We strongly disagree with the applicant's interpretation of NPS EN-1. NPS EN-1 does not say that all infrastructure will have *significant* landscape and visual effects. Rather it explains that *'landscape and visual effects of energy projects will vary on a case by case basis according to the type of development, its location and the landscape setting of the proposed development'* (para 5.9.1). Further, that *'Landscape effects depend on the existing character of the local landscape, its current quality, how highly it is valued and its capacity to accommodate change. All of these factors need to be considered in judging the impact of a project on landscape. Virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to*

***the landscape**, providing reasonable mitigation where possible and appropriate’ (Para 5.9.8) (Emphasis added).*

9. In relation to the points highlighted in the quotation from NPS EN-1 above:
- The applicant has not properly considered the value of the landscape e.g., at Sunnica West and around Isleham, and this has led to an underestimation of the overall landscape and visual harm.
 - The applicant has not designed the project carefully in relation to siting, nor were the potential impacts on the landscape considered as part of the site selection process.
 - The aim of the applicant’s site selection was not to minimise harm to the landscape because their site selection process did not consider landscape and visual impacts.
10. **Page 36 final row.** Evidence of the high landscape value of the Limekilns is set out in SNTS’s previous submissions, including in our assessment against the TGN 02/21 criteria [REP2-240b] and in our response to Deadline 5 Submissions (Landscape Briefing Note 14 attached to SNTS’s Deadline 6 Submissions) [REP6-074]. Referring more generally to the *‘factors relied upon by interested parties’* the applicant states that *‘even if the ExA were included to give additional weight to this evidence, only those which relate to views would be affected’* (Page 38). The following factors are intrinsically linked to views from the Limekilns and contribute to its high value, as outlined in REP6-074. They would all be harmed by visibility of development within Sunnica West:
- The association with Chippenham Park Estate which is visible within the landscape setting of the Limekilns.
 - The conservation of the wider rural landscape setting to the Limekilns which has featured in a range of historic paintings that depict equestrian activities on the Limekilns and the rural landscape setting to the Limekilns.
 - The views from the Limekilns which have considerable scenic qualities due to the elevation and which are enjoyed by people using the permissive access to the Gallops throughout the winter and after midday in the summer.
11. Furthermore, whilst the proposals wouldn’t alter factors such as the quality of the grass gallops, they would have an adverse impact on the experience of the gallops by people who have travelled to the Limekilns, on account of its 300 year association with the horse racing industry and its reputation as one of the best grass gallops in the world.

8. 97 Applicant's Response to LPA Deadline 6 Submissions [REP7-057]

12. Much of the applicant's response is repetition of previous or other Deadline 7 submissions. However, of particular relevance to landscape and visual matters is the applicant's comments at Page 48, where they state *'To suggest that a landscape and visual impact assessment should have been undertaken at site selection stage would go beyond what is proportionate. In any case, this would not have changed the Scheme that is before the ExA since it is the Applicant's position that the benefits of the Scheme outweigh its impacts, including on the undesignated local landscape and views'*.
13. We strongly disagree with the assertion that a landscape and visual impact assessment undertaken to inform the site selection would go beyond what is proportionate. It is considered best practice to carry out an initial landscape and visual appraisal as part of the site selection / assessment of alternatives for any significant infrastructure projects. The reason for undertaking such an appraisal is so the findings can inform decisions on site selection and, where possible, decisions can be taken early to avoid or minimise significant adverse effects. In the case of this application, as set out in the applicant's comments on Page 48, whether the landscape was designated (either nationally or locally) were the only landscape and visual criteria considered during site selection / their assessment of alternatives. Potential impacts on non-designated landscapes including valued landscapes and the visual amenity of people were not considered until after the sites were selected, at which point it was too late to overcome the fundamental landscape issues caused by parcels within Sunnica West and Sunnica East.

8.103 Landscape Mitigation Parcel Schedule [REP7-063]

14. We do not consider it necessary to comment on the mitigation proposals for every parcel. In summary, the mitigation proposals do not change the conclusions reached in our review of the application [REP2-240b] and subsequent representations. Significant and adverse residual effects on the landscape resource and visual amenity will remain despite the mitigation proposals, specifically in relation to parcels W01-W12, W17, E05 and E12-E13. The reason why these effects will not be mitigated to an appropriate level is because the effects relate fundamentally to the nature and location of the proposals. It is for this reason that we support the Councils' conclusions, as set out below in REP7-072 which reflects their longstanding conclusion that parcels W01-W12, W17, E05 and E12-E13 should be removed from the application.

Documents Submitted by the Councils

The Joint Councils' position on 'parcel by parcel' mitigation and residual effects [REP7-072]

15. As per our conclusion above, we agree with the councils' primary position, which is as follows:
- With regard to Sunnica West - *'The Councils' primary position remains that this proposed development is unsuitable within the context of the historic landscape around Chippenham Park, and that the resulting effects are not capable of being sufficiently mitigated to be made acceptable'*.
 - With regard to parcels E05 and E12-E13 - *'The Councils maintain their position that solar panels and other above ground infrastructure should be removed from these parcels'*.

West Suffolk Council Deadline 7 Submission - Comments on the Applicant's Deadline 6 Submissions and Additional Submissions [REP7-111]

16. We agree with the Councils' request that the Design Principles Document (DPD) is amended to include a commitment that the colour of external finishes of buildings and structures within the BESS and Substation Compounds will be informed by an Environmental Colour Assessment. We agree with the Councils' that text in Table 1 p5, p6, Table 2 p10, p14 and Table 8 p20 of the DPD should be amended to say *'Externally finished to be in keeping with the prevailing landscape determined through an Environmental Colour Assessment'*. This amendment is particularly relevant to address our concerns regarding the proposed colour of the BESS structures and office and warehouse buildings, as the DPD includes a provision for these to be painted white (amongst other colours). Bright colour shades such as white would stand out against the darker green hues found in the countryside, and would draw attention to the development, exacerbating its visual impact. Typically, darker hues, such as dark green, dark brown, or black are best suited for integrating structures into a rural context, but the final decision on colour should be reached through an Environmental Colour Assessment.

End of Note.

Appendix B

Say No To Sunnica: Heritage Comments on D7 Submissions

Dr Richard Hoggett FSA MCIfA (Heritage Consultant, Richard Hoggett Heritage)

1 Introduction

1.1 This note sets out comments and additional information pertaining to the heritage-related content of documents submitted by Sunnica and other parties at Deadline 7. The following documents are considered:

Applicant Documents

- REP7-056: Sunnica 8.96 Applicant's response to Other Parties' Deadline 6 Submissions
- REP7-058: Sunnica 8.98 Cable and Vehicle Access Across Chippenham Park Avenue
- REP7-062: Sunnica 8.102 B050 Crash Site Report
- REP7-067: Sunnica 8.16 Draft Statement of Common Ground with Historic England - Revision: 03

Any further information requested by the Examining Authority

- REP7-070: The Councils' position on 'parcel by parcel' mitigation and residual effects

Post-Hearing Submissions

- REP7-079: East Cambridgeshire District Council and Cambridgeshire County Council Deadline 7 Submission - Post Hearing Submission

2 Applicant Documents

2.1 REP7-056: Sunnica 8.96 Applicant's response to Other Parties Deadline 6 Submissions

2.1.1 Within this document, the applicant responds to several deadline 6 submissions setting out the significance of the 1949 Isleham aircraft crash site in parcel E05. Specifically, these representations are from Catherine Judkins (REP6-058), Isleham Parish Council (REP6-067), the Isleham Society (REP6-068), all of which SNTS endorse, and also directly from SNTS (REP6-074).

2.1.2 Explaining why the crash site was entirely overlooked in the cultural heritage assessment submitted as part of the Environmental Statement, the applicant states that 'Unfortunately, the plane crash was not recorded on the HER as a Heritage Asset point within the field and the location has never been formerly [sic] recorded such that it would have been noted in the collation of baseline data by the Applicant under the requirements of the DCO.' As has been discussed in previous representations and at ISH2 [REP4-121], the site is well known locally and has been widely publicised during the last 70 years. The location of the crash site was, in fact, added to the Cambridgeshire Historic Environment Record in 2021 as the result of an aerial photographic interpretation and mapping project undertaken on behalf of Historic England (CHER MCB31260). The fact that the crash site was not identified in the Applicant's Heritage Assessment was a significant omission. Had the proposed aerial photographic assessment been undertaken by the Applicant, they, too, would have identified the site. It should also be remembered that, while the Applicant's geophysical survey indicated the presence of a large ferrous scatter surrounding the point of impact, which is itself still marked by a major area of magnetic disturbance, this was not recognised as the crash site or interpreted as such in any of the submitted documents. The crash site was only retrospectively recognised by the Applicant following its being brought to their

attention by other interested parties, including SNTS and the other parties referenced above.

- 2.1.3 At several points in their response, the Applicant states that the extent of the crash site should be considered to be limited to the physical evidence of the crash crater, which was identified by the geophysical survey and which the applicant now accepts 'represents the point where the bulk of the fuselage hit the ground at a steep angle'. This limited definition of the extent of the crash site is patently nonsensical and dramatically understates the true extent of the crash site. The dimensions of the impact crater depicted on the geophysical survey measure 15m x 10m, while the aircraft which crashed, a Boeing B-50 Superfortress, had a wingspan of 141 feet 3 inches (43m), considerably larger than the crater. As is noted by the Applicant in the same statement, the aircraft started to break up in flight and 'parts of the aircraft wreckage were spread over several hundred metres as a result of the multiple explosions'. It is, therefore, disingenuous for the Applicant to limit their understanding of the extent of the site to the crater in this fashion.
- 2.1.4 Regarding the true extent of the crash site, the Applicant states that it is 'difficult to determine the formal extent of what can be regarded as the crash site other than by the physical evidence of the crash crater'. This, again, is an absurd position and one that is at odds with the Applicant's own evidence. The Applicant's geophysical survey identified the presence of a large ferrous scatter, comprising material from the crash, measuring at least 85m x 55m surrounding the crater and SNTS contend that the extent of this scatter should be considered to be the minimum extent of the crash site. That the point of impact of the crash was identified as a large magnetic anomaly and that the surrounding area was identified as a ferrous debris scatter are both strongly suggestive that considerably more of the airframe survives on the site than the Applicant suggests.
- 2.1.5 The Applicant also suggests that the subsequent cultivation of the field, in particular ploughing, has resulted in the further spreading of this ferrous material such that 'the distribution of any remaining small pieces of aircraft as suggested by the geophysical survey does not indicate the in-situ debris field of significance to the interpretation of the crash site as a heritage asset.' Again, this overstates the case with a view to disregarding the significance of the metalwork scatter as a marker of the extent of the crash site. While ploughing will have turned over the soil, there is nothing to suggest that ploughing of this kind results in the dragging of material over such long distances, while the action of ploughing back and forth over successive cultivations will result in such artefact scatters remaining relatively static in the ploughsoil. It is also likely that the field has been cultivated in the same direction over a long period of time, and does not therefore account for the fact that the metalwork scatter extends in all directions from the central impact crater.
- 2.1.6 SNTS note that the possible development of the crash site is still in part the subject of a licence application under the terms of the Protection of Military Remains Act, and that a decision has yet to be made by the Joint Casualty and Compassionate Centre. It is not clear whether this decision will be made before the close of the Examination and, again, had the Applicant identified the site at the appropriate time then this uncertainty could have been resolved prior to the submission of the DCO application. While SNTS welcome the Applicant's recognition of the significance of the crash site, we do not consider that their proposed 50m x 50m Archaeological Protection Area centred on the point of impact is adequate, as it barely covers the dimensions of the plane and certainly does not cover the large scatter of crash-related debris.

- 2.1.7 SNTS consider that as a minimum the Applicant's proposed 'Expanded Exclusion Area', comprising a 100m-radius circle around the crater site, would be more appropriate irrespective of the outcome of the licence application on heritage-related grounds, but also for moral and ethical reasons, given the loss of life and the significance of the site to the local community. SNTS support the joint Councils' proposed removal of parcel E05 from the scheme, given the heritage significance of the Isleham aircraft crash site, and note that there are a considerable number of other environmental factors which also indicate that this parcel should remain wholly or partially undeveloped.
- 2.2 [REP7-058: Sunnica 8.98 Cable and Vehicle Access Across Chippenham Park Avenue](#)
- 2.2.1 SNTS welcome the submission of these more detailed plans showing the planned crossing of the Chippenham Park avenue, which is a significant part of the RPG, for vehicular access and the cable route. As noted at Deadline 6 [REP6-074], the Applicant's recognition of the significance of the trees in the Chippenham Park avenue, and that some of the original trees survive, is welcomed. So, too, is the amendment to the scheme which results in no trees being removed from the avenue, be they original trees or otherwise.
- 2.2.2 The laying of a no-dig access track across the avenue, following the line of the existing farm track, is considered to be appropriate and will protect the ground of the avenue from harm should the DCO be consented. Likewise, the Horizontal Directional Drilling removes the need for trees to be felled on the avenue, although it will be necessary to ensure that root networks are also avoided and that physical disturbance to the avenue itself is minimised.
- 2.3 [REP7-062: Sunnica 8.102 B050 Crash Site Report](#)
- 2.3.1 SNTS welcome the placing in the public domain of the official report into the circumstances of the Isleham air crash in 1949, which will be new to many people and which provides a much more detailed context for the tragic events. This in itself makes a significant contribution to the understanding and appreciation of the crash, and highlights the bravery and sacrifice of the aircrew in avoiding Isleham itself.
- 2.3.2 Of particular relevance to the issues discussed in section 2.1, above, is the fact that the report records that the aircraft was on fire prior to the crash, but that it exploded on impact with the ground. This supports the interpretation of the crash site as comprising a large area, rather than focussing on the main impact crater, as the Applicant had argued should be the case.
- 2.3.3 Further corroboration of this interpretation is given by the photographs and sketch plans included in the submitted document, which show the wreckage of the aircraft strewn over a wide area, much of it lying outside the impact crater itself. This again supports the interpretation of the crash site as a large area, which SNTS contend should be excluded from the development as per the arguments set out above.
- 2.3.4 Finally, SNTS note that nowhere in the submitted documents is any account given of the clearance and recovery of the remains of the airframe and the bodies of the deceased from the site, save a note that none of the deceased were able to be identified. The Applicant has repeatedly stated that the site was completely cleared, but on the basis of the evidence placed before the Examination SNTS would caution against accepting these conclusions. There is a very high potential for parts of the aircraft and, indeed, human remains to still be present on the site, despite the 1949 recovery effort. That the geophysical survey was able to identify the point of impact of the crash as a large magnetic anomaly and that the

surrounding area was identified as a ferrous debris scatter are both strongly suggestive that considerably more of the airframe survives on the site than official reports suggest.

2.4 REP7-067: Sunnica 8.16 Draft Statement of Common Ground with Historic England - Revision: 03

2.4.1 SNTS note that this only contains matters which are agreed and agree with the statements made, while noting that Historic England have thus far largely limited their input to the subject of Scheduled Monuments and their management.

2.4.2 SNTS note the agreement between the Applicant and Historic England that 'The cultural heritage assessment has concluded that construction and decommissioning of the Scheme would result in significant adverse effects on the assets listed in Table 18-1 and Table 18-3 of Chapter 18, Summary of Significant Environmental Effects [APP-050].'

2.4.3 SNTS note the agreement between the Applicant and Historic England that: 'The cultural heritage assessment has concluded that operation of the Scheme would result in significant adverse effects on the assets listed in Table 18-2 of Chapter 18, Summary of Significant Environmental Effects [APP-050].'

2.4.4 SNTS note the agreement between the Applicant and Historic England that: 'In relation to mitigation:

- The embedded mitigation measures within Chapter 7, Cultural heritage [APP-039], and
- The essential mitigation measures set out in the Framework CEMP [EN010106/APP/6.2_Rev5], Framework OEMP [EN010106/APP/6.2_Rev4], Framework DEMP [EN010106/APP/6.2_Rev3], the OLEMP [EN010106/APP/6.2_Rev3] (including the Outline HEMP) and the Detailed Archaeological Mitigation Strategy [REP5-066].

are adequate to avoid, prevent, reduce, manage, control and (where necessary) monitor the adverse effects of the Scheme during its construction, operation and decommissioning.'

2.4.5 On mitigation, SNTS also note the inadequacy of the embedded mitigation to reduce the harm caused to the significance of the Chippenham Park RPG, which has been consistently identified by the Applicant and other parties, including SNTS, throughout the Examination process.

3 Any further information requested by the Examining Authority

3.1 REP7-070: The Councils' position on 'parcel by parcel' mitigation and residual effects

3.1.1 SNTS note and endorse the joint Councils' statement on parcel-by-parcel mitigation and residual effects. In particular, SNTS endorse their opening statement that 'the Councils' primary position remains that this proposed development is unsuitable within the context of the historic landscape around Chippenham Park, and that the resulting effects are not capable of being sufficiently mitigated to be made acceptable.' SNTS also note the Councils' concerns about the effects of the proposed development in the vicinity of Isleham (parcel E05) and in the vicinity of the unclassified road/recreational route U6006 (parcels E12 and E13). SNTS endorse the Councils' position that solar panels and other above ground infrastructure should be removed from these parcels.

3.1.2 SNTS support the Council's proposed removal of parcel E05 from the scheme, given the heritage significance of the Isleham aircraft crash site, and note that there are a considerable number of other environmental factors which also indicate that this parcel should remain wholly or partially undeveloped. SNTS also note and support the Councils'

recommendations that, if the development of E05 is consented, the range of associated heritage mitigation measures should include:

- raising the viewing area and/or locating it so there is sight of the crash site, perhaps along the line of the panels or by removing a line of panels;
- providing interpretation and signage to explain the history of the crash site;
- removing some solar panels along the assumed flight path, which would create a visual link from Beck Road/the permissive footpaths across the crash site towards Mildenhall where the plane took off;
- allowing access to the crash site area;
- providing seating; and
- working with the community of Isleham to commission a commemorative sculpture.

3.1.3 Likewise, SNTS support the Councils' proposed removal of parcels W04, W05, W06, W07, W08, W09, W10, W11 and W12 from the scheme on the grounds that 'this development is unsuitable for the historic landscape, and the resulting effects are not capable of being sufficiently mitigated to be made acceptable.' This same position has consistently been set out by SNTS throughout the examination process.

4 Post Hearing Submissions

4.1 REP7-079: East Cambridgeshire District Council and Cambridgeshire County Council Deadline 7 Submission - Post Hearing Submission

4.1.1 SNTS note and endorse the Councils' views expressed at ISH4 and in this post-hearing submission. Specifically, SNTS agree with the Councils' view, expressed at paragraph 10, that 'it would not be possible to achieve effective mitigation in relation to the following parcels: W04, W05, W07, W08, W09, W10, W11, W12, W17. As explained, the mitigation itself – in the form of intrusive visual screening, would be detrimental to this historic landscape.' Likewise, SNTS support the Councils' view at paragraph 17(i) that 'the introduction of this development results in irreconcilable land uses; the change in the relationship between the RPG and its wider context for significantly over a generation. It will turn into a semi-industrialised zone, and with any screening mitigation only present as further intrusion itself'.

4.1.2 Likewise, SNTS support the Councils' view expressed at paragraph 21 that 'specifically in relation to E05, there remains the conflicting requirements for landscape public amenity / recreation, historic environment and ecology issues. In applying the mitigation hierarchy to avoid harm, it is the Council's view that E05 should be removed in its entirety. Similar positions are taken and comments made by WSC and SCC, with which ECDC and CCC agree.'

Appendix C



**BIOSCAN UK LIMITED FOR SAY NO TO SUNNICA
DEADLINE 8 SUBMISSIONS:
ECOLOGY AND NATURE CONSERVATION MATTERS**

1. This Deadline 8 note has been produced by Bioscan on behalf of Say No To Sunnica (SNTS). It responds to and/or passes comment upon the following documents and submissions made at Deadline 7 of the Sunnica Energy Farm DCO Examination:

Documents submitted by the applicant:

- Deadline 7 Submission - 8.95 Applicant's response to the ExA's Third Written Questions
- Deadline 7 Submission - 8.96 Applicant's response to Other Parties Deadline 6 Submissions
- Deadline 7 Submission - 8.46 Arboricultural Impact Assessment Report - Revision 02
- Deadline 7 Submission - 6.7 Revised Biodiversity Net Gain Report
- Deadline 7 Submission - 6.2 Appendix 10I Landscape and Ecology Management Plan - Revision: 03
- Deadline 7 Submission - 6.2 Appendix 16C: Framework Construction Environmental Management Plan - Revision: 05
- Deadline 7 Submission - 6.2 Appendix 16F: Framework Operation Environmental Management Plan - Revision: 03
- Deadline 7 Submission - 6.2 Appendix 16E Framework Decommissioning Environmental Management Plan DEMP
- Deadline 7 Submission - 8.103 Landscape Mitigation Parcel Schedule
- Deadline 7 Submission - 8.97 Applicant's Response to LPA Deadline 6 Submissions
- Deadline 7 Submission - 8.77 Environmental Masterplan (Zoomed In)

Documents submitted by others:

- Joint Councils' position on 'parcel by parcel' mitigation and residual effects
- Joint Councils' comments on the Revised/Updated Statement of Common Ground (SoCG)
- Cambs CC comments on the Applicant's D6 submissions and additional submissions
- East Cambs DC Post Hearing Submissions (note on applicant's arboriculture report)
- Joint Councils' answers to Examining Authority's Questions 3 (ExQ3)
- West Suffolk Council's comments on applicant's D6 submissions.
- Natural England Deadline 7 submission including answers to ExQ3

2. Please note that a separate note submitted at Deadline 8 provides a position statement on ecology and nature conservation matters generally, and a further note from Bioscan/SNTS submitted at Deadline 8 provides an update to the comments previously issued on the Report on the Implications for European Sites (RIES), following further information submitted to the Examination by Natural England at Deadline 7.
3. Each of the documents above is now commented upon in turn below:



Applicant's Response to ExQ3 (Topic 3.2)

4. Q3.2.4 – the applicant's responses to this question (on how the Ecology Working Group will be funded) do not inspire confidence that substantive thought and resource allocation has been applied to the question. This undermines the confidence that can be had in the effectiveness of the applicant's still growing list of commitments relied upon to prevent significant environmental effects and/or ensure legal compliance.
5. Q3.5.1 – SNTS notes that the applicant resists the provision of financial contributions sufficient to cover the Councils' extraneous costs in monitoring, reviewing, discharging and where necessary enforcing commitments related to the delivery of the scheme. SNTS is alarmed by this reticence and asks that the ExA notes its implications for the weight that can be placed on the applicant's assurances that the ECoW teams and Ecology Working Group can and will be properly and adequately resourced. The large scale and complexity of this project will impose significant burdens on the local planning authorities and regulators, a fact acknowledged by the applicant, but incongruous with the fee schedule it has suggested. The refusal to fund enforcement and instead to deflect to statutory obligations on councils to enforce, does not inspire confidence. An applicant confident that enforcement would not be required might be expected to have little reservation about offering an enforcement fund refundable in the event it did not need to be drawn upon.

Applicant's response to other parties' D6 submissions (Ecology)

6. Page 29, final row: in response to NE's advice around 'additionality' and 'stacking', the applicant states that the BNG report submitted at Deadline 7 will make clear which habitats are being created for mitigation and/or compensation purposes and which are being delivered as BNG uplift, in order to avoid double-counting. SNTS does not believe these distinctions have in fact been made sufficiently clear in the applicant's D7 BNG report, in part by the applicant's continued failure to release its BNG calculations, in non-compliance with good practice standards.
7. Page 31 – the comments from the applicant on lapwing fail to address the matter of carrying capacity. The habitats provided in ECO1, ECO2 and ECO3 are intended to provide habitat for stone curlew, and to the extent that they may also be suitable for lapwing, there is the potential for resource conflict between these species, which occupy very similar ecological niches and have very similar nesting and foraging requirements. In the absence of evidence that the provision of habitat in these areas is adequate to accommodate the predicted displaced numbers of pairs of stone curlew AND lapwing, no weight can be put on the applicant's claims made here. Common ecological sense dictates that distilling multiple pairs of ground nesting waders spread across a local landscape into little more than three fields at the periphery of the same area is bound to be subject to degrees of failure, each increment of which results in a net diminution in the local population of one, other, or both species.
8. Page 32– the applicant's reference to other seed houses than Emorgsate (2.2 at top of page) being used to support the demand for seed material suggests that they accept that Emorgsate will not be able to service this level of demand. As Emorgsate are perhaps the biggest supplier of appropriate native seed nationally, this accentuates the concern about resourcing and timescale



implications. It suggests the applicant may ultimately seek to use less reputable seed houses more reliant on non-native cultivars or wholly imported seed stock, with consequent biodiversity implications. The applicant's response therefore accentuates SNTSs concern on this matter.

9. Similarly, the applicant's responses on the matter of resourcing (2.3 at the top of page 32) are deflection and provide no comfort that appropriate levels of resourcing will be in place to service the significant demands of the project. Reliance on the mere existence of legal commitments does not of itself translate to their being met. In combination with the applicant's resistance to providing a fund to the LPAs for appropriate monitoring and enforcement, this sets up multiple points of failure that are likely to see the applicant's commitments unmet or inadequately met.
10. The applicant's response to SNTS's (and the Councils') comments on its BNG assessment, drawing attention to the absence of changes made to reflect acknowledged habitat errors and to account for the Metric Calculator's inability to factor in higher value arable plant communities in scoring arable land, is wholly inadequate. As highlighted in SNTSs Deadline 7 submissions, again below, and in the accompanying Deadline 8 submissions from Bioscan/SNTS, the applicant's BNG calculations remain fundamentally flawed, even disregarding the fact that the applicant has failed to comply with good practice standards by withholding its amended calculations.
11. The applicant's response to SNTS's comments in [REP6-074](#) on the applicant's failure to review the population estimates for declining farmland birds, despite verbal assurances at ISH2 that it would do so, are wholly inadequate and represent a bland repetition of previous statements and a simple refusal to address the issue with any form of evidence-based response. The ExA are therefore in the dark about whether the displacement impacts for species such as skylark and lapwing, that will not nest within the solar arrays, will be significant at local county or even regional level.
12. Rows 2 and 3 on page 33 are bland repetition of previous statements that were demonstrably inadequate to address the concerns raised.
13. Row 4 on page 33 responds to the matter of potential functional linkage between the project site and the Eversden and Wimpole Woods SAC. SNTS observes that the evidence being relied upon by the applicant is still not before the Examination. SNTS's comments on Natural England's position on this matter are set out below and Bioscan's/SNTS's accompanying updated note on the RIES submitted at Deadline 8.
14. On the matter of impacts to skylark, the applicant's position that there will be no significant effects on this species is unsupported by evidence and undermined by its failure to review the significance of the local population. The applicant has also elected to ignore the evidence submitted to the Examination by SNTS that shows skylark will not nest in fields used for solar arrays meaning that there will be very significant net displacement of a likely county important population of a species with attendant statutory obligations.



Applicant's Arboricultural Impact Assessment Report - Revision 02

15. SNTS draw the ExAs attention to the comments made in its submissions at Deadline 7 about omissions in respect of the mature tree resource, as highlighted by the detail in the applicant's late submission of its hedgerow loss/retention plan. SNTS note that the Councils have noted the same errors and omissions (as referred to below).

6.7 Revised Biodiversity Net Gain Report

16. SNTS welcomes the overdue recognition by the applicant of the limitations to future grassland habitat quality imposed by the shade generated by the solar panels, now acknowledged in the text of this document, if not adequately in the BNG calculations. The revisions to reflect more realistic outcomes in respect of proposed calcareous and acid grassland are also welcomed.
17. SNTS maintains however that the applicant's reliance on the metric calculator's inability to account for elevated value arable plant communities still significantly undermines their submitted calculation and renders it unrepresentative of the reality of the baseline situation and what will be lost to the scheme. SNTS also maintains that numerous other habitat misclassifications and errors remain unaccounted for in the applicant's calculations – for example omitted hedgerows and trees exposed by the applicant's hedgerow plan submitted after Deadline 7 and as also picked up and commented upon by the Councils.
18. By cross-reference to the Environmental Masterplan detailed plans, it is also noted that the challenges presented by soil type and agricultural land-use history, whilst now acknowledged in the text of the BNG assessment and to some extent in the revised OLEMP, do not appear to have resulted in changes to what is assumed to be delivered in the BNG calculation. For example, by reference to the Environmental Masterplans (Zoomed In) Sheet 1, lowland calcareous grassland is assumed as being deliverable in the margins of E04, notwithstanding residual high fertility here, and lowland acid grassland is proposed for the immediately adjoining E03, with sharp transitions between these two very different grassland types. It is inconceivable that the very different soil types capable of delivering these two very different habitats occur in a regimented pattern dictated by the current field boundary arrangement in this area. This is ecologically nonsensical.
19. SNTS suggests that withholding the data behind the applicant's calculations on the grounds that it is voluminous (para 4.2.2) is not an acceptable or transparent approach and fails to accord with good practice guidance. The presentation of unevidenced output summaries at Appendix D similarly fails to accord with good practice.
20. SNTS therefore maintains its position presented at Deadline 7 that no weight can or should be placed on the applicant's BNG calculations by the ExA and further that the EXA remains bereft of adequate information to determine whether the project is capable of avoiding net loss of biodiversity.



Appendix 10I Landscape and Ecology Management Plan - Revision: 03

21. SNTS are concerned that planting of woodland around E05 is uncharacteristic in this open landscape, and would remark that the introduction of woodland blocks at this location could affect the efficacy of the stone curlew compensation at ECO1-ECO2, and prevent stone curlew use of field units outside the proposed order limits to the north of E05, by reducing sightlines and providing dense scrub and latterly woodland habitat that is likely to be exploited by corvids and other avian and mammalian predators. This could increase the scope for predation pressure on stone curlew in this area.
22. SNTS note the references to non-invasive methods to implement 'native chalk grassland' on soils which are likely to have high residual fertility. This is likely to be an unsuccessful approach and while SNTS note that a belated element of conservatism appears to have now been applied to reflect this in the applicant's BNG report, the applicant's decision to withhold its BNG calculations means this cannot be independently assessed for consistency and robustness.
23. At para 5.3.15 there is a reference to hand weeding in hedgerows. This is another huge logistical burden on post-construction operatives that it is far from clear is adequately provided for financially or in other resourcing terms.
24. Sections 5.10 & 5.11 – these are new sections. 5.10 concerns the creation of Modified Grassland. This suggests a lowering of ambition from the original application scheme and yet it is not possible to determine the extent to which this has been duly reflected in the applicant's BNG calculations due to the applicant's decision to withhold these from scrutiny. The OLEMP also continues to make reference to seed sources without any consideration of supply chains and quantitative resourcing. The OLEMP also makes un evidenced and eminently challengeable statements such as (5.10.7) "*the 469ha of modified grassland that will be created is immediately more biodiverse than the arable habitat*". Where arable habitat of District and/or County importance for scarce arable flora and/or supports scarce invertebrate faunas and/or declining farmland birds, as acknowledged by the applicant in [APP-079](#), the impacts of such land-use conversion are likely to be net negative. An arable field with scarce annual plants and nesting lapwing and skylark is more biodiverse than a poor-quality modified grassland unusable by such species due to the presence of solar arrays.
25. Section 5.11 fails to distinguish adequately between heavier calcareous soils (where retained agricultural fertility may be a significant barrier to successful creation of the target habitats) and sandier soils (where it can be expected to be easier). SNTS considers that the applicant is now amending its target habitat conditions in light of recognition of the challenges in delivery, and yet the implications of this for the project's ecological performance are not being appropriately recognised or conveyed to the Examination – e.g. via full and transparent submission of its BNG calculations. This is symptomatic of the applicant's approach to habitat creation throughout the examination, which has been that it is a simple matter, notwithstanding the scale of conversion proposed, the challenges of residual high fertility on heavier soils, and the logistical challenges of procuring the sheer quantity of seed available for delivery of the higher value habitat types proposed. The more conservative ambitions set out in the revised OLEMP now sit incongruously with the continued claims of significant biodiversity net gain.



6.2 Appendix 16C: Framework Construction Environmental Management Plan - Revision: 05

26. SNTS notes the changes made to the framework CEMP and highlights the connection with the ongoing resourcing concerns it has raised, along with others including the councils.

6.2 Appendix 16F: Framework Operation Environmental Management Plan - Revision: 03

27. SNTS note the reference to a “team of Ecological Clerks of Works” engaged in annual monitoring (e.g. of the efficacy of the stone curlew compensation) “for the lifetime of the scheme”.

28. SNTS have raised concerns about the absence of evidence as to how a sufficiently sized and appropriately qualified team of ECoW will be assembled and resourced to service the very significant commitments made by the applicant at the construction stage. The same concerns apply to this long-term commitment during the operational stage. Any failure of appropriate resourcing will have significant implications for the environmental performance of the scheme and therefore the absence of such evidence, or of contingency headroom (e.g. in the event that the stone curlew compensation fails), remains a matter of acute concern and relevance to the determination process.

6.2 Appendix 16E Framework Decommissioning Environmental Management Plan DEMP

29. SNTS notes that the framework DEMP fails to make provision for the security of created habitats beyond the decommissioning period. SNTS supports the Councils’ position on this matter.

Deadline 7 Submission - 8.103 Landscape Mitigation Parcel Schedule

30. SNTS’s response to this document is contained within its comments on the Councils response to it, as set out below.

Deadline 7 Submission - 8. 97 Applicant's Response to LPA Deadline 6 Submissions

31. SNTS note the applicant’s continued failure to acknowledge the limitations of its arable flora survey and how these translate to incorrect inputs to its revised BNG calculation.

Deadline 7 Submission - 8.77 Environmental Masterplan (Zoomed In)

32. SNTS note that very likely unattainable aspirations remain part of the applicant’s scheme, notwithstanding changes made to the OLEMP. For example, on Sheet 1, lowland calcareous grassland is assumed as being deliverable in the margins of E04, notwithstanding residual high fertility here, and lowland acid grassland is proposed for the immediately adjoining E03, with sharp transitions between these two very different grassland types. It is inconceivable that the very different soil types capable of delivering these two very different habitats occur in a regimented pattern dictated by the current field boundary arrangement in this area. This is ecologically nonsensical.

Joint Councils’ position on ‘parcel by parcel’ mitigation and residual effects

33. SNTS support the Joint Councils’ position and case making for the removal of panels from E05. SNTS agree with the Councils concerns that planting of woodland is uncharacteristic in this open landscape, and would remark that the introduction of woodland blocks at this location could affect the efficacy of the stone curlew compensation at ECO1-ECO2, and prevent stone curlew



use of field units outside the proposed order limits at this location, by reducing sightlines and providing dense scrub and latterly woodland habitat likely to be exploited by corvids and other avian and mammalian predators that could increase the scope for predation pressure on stone curlew in this area.

34. SNTS similarly support the councils position that E12 and E13 should be removed from the scheme in order to protect habitual nesting locations for stone curlew and reduce the reliance on compensation which is considered to be de minimis and insufficiently precautionary.
35. SNTS repeats its case that the removal of Sunnica West Site B from the scheme provided an opportunity to use this land for additional compensation and enhancement in order that the schemes ecological performance might be improved and greater confidence imparted that net loss of local biodiversity might be capable of being avoided. SNTS note that the applicant has refused to take this opportunity.

36. Joint Councils' comments on the Revised/Updated Statement of Common Ground (SoCG)

37. SNTS note that the councils do not agree that the ecological baseline has been adequately surveyed or documented by the applicant. SNTS agrees with this position and notes that by extension the baseline used for the applicant's BNG assessments cannot be a matter of agreement.
38. SNTS also notes that the councils do not agree with the applicant on the magnitude and significance of residual effects on ecology and nature conservation. SNTS contends that the applicant has not made the case that net harm to biodiversity and nature conservation resources will be avoided.
39. SNTS note and agree with the Councils ongoing concerns about resourcing, which reflect its own comments made at Deadline 7, and in earlier sections of this Deadline 8 submission.
40. SNTS note and agree with the councils' position on the adequacy of compensatory habitat provision for displaced stone curlew – ie that there is an absence of contingency provision or sufficient headroom/buffer provision to provide confidence in the efficacy of the compensation measures to avoid net loss of stone curlew nesting opportunities locally. SNTS also agree that the applicant's failure to design in avoidance of habitual stone curlew nesting locations (e.g. field parcels E12 and E13) represents a failure to adhere to the mitigation hierarchy.

Cambridgeshire CC comments on the Applicant's D6 submissions and additional submissions

41. SNTS notes the alignment between the comments of Cambridgeshire CC (and West Suffolk Council) and its own about the adequacy (or otherwise) of the applicant's stone curlew mitigation and the failure to adhere to the mitigation hierarchy and the absence of contingencies. Cambridgeshire CC comments on the applicant's failure to respond to NE's comments about stacking and double counting of protected species mitigation and land allocated for BNG. While this is latterly responded to in the applicant's D7 submissions on BNG,



there remains inadequate information to determine if the correct approach has been taken as requested by NE. SNTS also notes and agrees with the Council's position on the role and resourcing of the Ecological Advisory Group and uncompensated impacts on farmland birds.

East Cambs DC Post Hearing Submissions (note on applicant's arboriculture report)

42. SNTS notes the deficiencies in the AIA commented upon by these LPAs and how these align with the comments SNTS made at Deadline 7 on issues with the accuracy of the Hedgerow Plan.

Joint Councils' answers to Examining Authority's Questions 3 (ExQ3)

43. SNTS notes and shares the concern around resourcing expressed by the joint councils in their answer to Q3.2.4. SNTS also notes that the Ecology Working Group will not be responsible for delivery.

44. In respect of Q3.2.13, SNTS notes the information from NE as to the source of the record on Magic for GCN at Chippenham Fen. As confirmed at Deadline 7, SNTS agrees with the joint Council's satisfaction that there is no LSE in respect of this interest feature of the Fenland SAC.

West Suffolk Council Comments on Applicant's Deadline 6 submissions

45. SNTS note the alignment between West Suffolk's comments on BNG, Arable Flora, Stone Curlew, Farmland Birds, EAG, the hedgerow/creation/loss/retention plan and decommissioning and SNTS's own comments at Deadline 7 and in these submissions and therefore supports the position of West Suffolk Council on these matters.

Natural England Deadline 7 submission including answers to ExQ3

46. In ExQ3 Q3.2.7, Natural England was invited to supply the evidence referred to in paragraph 3.2 of [REPS-096] to confirm conclusions of no functional link between stone curlew within the order limits and stone curlew at Breckland SPA.

47. SNTS have read NE's response to this question and have concerns as to the robustness of the conclusion that there is no functional linkage between the SPA and stone curlews nesting within the proposed order limits. Bioscan/SNTS note that NE's reasoning appears to be founded on the question "are the same birds using both sites throughout the breeding season" which omits various other vectors of functional linkage that NE's own guidance, and case law and relevant decisions, recognise. This matter is explored in more detail on Bioscan's/SNTS's updated note on the RIES, which forms part of the three Deadline 8 submissions from SNTS on nature conservation and ecology matters.

48. Similarly, Bioscan/SNTS also suggest that NE's response on the relevance of the Eversden and Wimpole Woods SAC (ExQ3 Q3.2.9) is also less than robust. This matter is also explored in more detail on Bioscan's/SNTS's updated note on the RIES, which forms part of the three Deadline 8 submissions from SNTS on nature conservation and ecology matters.

Appendix D



**BIOSCAN UK LIMITED FOR SAY NO TO SUNNICA
DEADLINE 8 SUBMISSIONS:
ECOLOGY AND NATURE CONSERVATION MATTERS**

**REVISED AND UPDATED COMMENT ON REPORT ON IMPLICATIONS FOR
EUROPEAN SITES (RIES) FOR DEADLINE 8**

1. The ExA published its Report on the Implications for European Sites (RIES) on 13 February 2023 ([PD-027](#)).
2. On behalf of Say No to Sunnica (SNTS), Bioscan produced a note with comments on the RIES which was submitted to the Examination at Deadline 7 (3rd March). This note preceded Natural England's Deadline 7 submission [\[REP7-104\]](#) which included answers to two questions put to them by the Examining Authority in their third written questions (ExQ3) [\[PD-025\]](#)
3. Specifically, Q3.2.7 invited NE to provide the evidential basis for dismissing the possibility of a functional linkage between stone curlews within the proposed order limits and the nearby Breckland SPA, for which stone curlew is a qualifying feature.
4. Q3.2.9 also invited NE to comment on the proximity of Eversden and Wimpole Woods SAC to the Proposed Development and whether further consideration is required in terms of the implications of the proposed development for that site.
5. NE's answers to these questions have precipitated this supplementary note on the RIES (and by extension on Habitats Regulations matters generally) from Bioscan/SNTS. In Bioscan's/SNTSs view, the statutory authority's position on both matters is considered to fall short of providing sufficient comfort for the ExA and/or the SoS on both matters, having regard to the requirements of the Habitats Regulations, the relevant National Policy Statements and the application of the precautionary principle.
6. Each matter (functional linkage to the Breckland SPA, and the treatment of Eversden and Wimpole Woods SAC in the applicant's HRA and in the RIES) is dealt with in turn below:
 - 1) Functional linkage to the Breckland SPA**
7. Bioscan/SNTS note that NE have declined to provide the evidence requested by the ExA, but instead offer a summary of why they have reached the conclusion that there is no likely functional linkage between the stone curlew using the order limits and the stone curlew population within the SPA.
8. Bioscan/SNTS have read this summary and have significant concerns as to the robustness of Natural England's conclusion that it is satisfied there is no functional linkage between the SPA and stone curlews within the proposed order limits.
9. Bioscan/SNTS note in particular that the approach taken to the determination of functional linkage by NE in this case differs from its approach at other European Sites, and indeed within its own guidance on this issue.



10. It is common practice in HRA to consider satellite populations of species outside a designation boundary as functionally linked if there is likely regular interaction between individuals from populations within and without. It is not just a case of “are they the same birds”.
11. This is because such interactions between birds nesting within and outside the SPA may be important in maintaining the integrity of that site and in facilitating conservation and/or restoration/recovery of populations. It is noted that NE’s reasoning on this issue in [REP7-104] does not extend to consideration of these matters.
12. This approach is not consistent with the definitions of ‘functional linkage’ as set out in Natural England’s own publications and as derived from case law (e.g. *“Functional linkage: How areas that are functionally linked to European sites have been considered when they may be affected by plans and projects - a review of authoritative decisions (NECR207)”*¹). In accordance with that casework guidance, land outside a designation boundary is, or can be, deemed functionally linked where:

“Such an area of land or sea is therefore ‘linked’ to the site in question because it provides a (potentially important) role in maintaining or restoring a protected population at favourable conservation status.”
13. Applying this to the case of the Breckland SPA, unless the population of stone curlew within the proposed order limits has no credible interaction with that within the SPA, the potential for functional linkage remains and requires to be considered in line with standard HRA practice and the precautionary principle.
14. To provide an example of how a functional linkage might arise that NE’s response overlooks, in the event of significant nest failures within the SPA population in a given year (for example due to changes in mesopredator levels and consequent high predation), the availability of a satellite population within close range of the SPA but outside it provides a potential donor resource for recovery of the SPA population and maintenance of site integrity. This is a functional linkage.
15. For example, where predation has caused loss of an adult from a pair within the SPA, and nest abandonment, the existence of a satellite population outside the SPA but within interaction range provides scope for the remaining adult to find an alternative mate and attempt a second brood within the SPA. Another example might be a situation where nest opportunities are vacated within the SPA (e.g. due to a disturbance event) and birds displaced from the land within the order limits backfill the vacated niche. In this situation, the availability of a source population just outside the SPA allows this niche to potentially be backfilled by birds from the area of the order limits (e.g. where displaced by changes in cropping regime). These are all plausible and credible vectors for functional linkage, and for the population within the proposed order limits to provide a functionally linked role as a means of support for maintenance or recovery of the SPA population.
16. Bioscan and SNTS therefore finds themselves in the position of suggesting that Natural England’s response on this matter fails to address the full scope of NE’s own accepted definitions of functional linkage. NE’s basis for concluding that there is no functional linkage between the stone curlew population using the proposed order limits and that using the SPA instead appears

¹ [REDACTED]



founded on whether “the same birds” shuttle between the two sites during the breeding season. That is not a holistic or ecologically robust approach to the determination of functional linkage, and we believe it would be unsafe for the ExA and/or SoS to rely upon it for decision-making purposes.

2) Whether the HRA should consider the Eversden and Wimpole Woods SAC

17. Bioscan/SNTS suggests that NE’s response to ExQ3 Q3.2.9 on the relevance of the Eversden and Wimpole Woods SAC is also less than robust.
18. Specifically, there are three important elements of salient evidence that are not engaged with in NE’s response. Firstly, barbastelle bat *Barbastella barbastellus* was recorded within the order limits by the applicant. Secondly, there are no other known roost locations locally which could be the source of these records. Lastly, the land within the order limits is within the known dispersal range (even the nightly dispersal range) for this species. This provides the basis for a credible linkage.
19. Bioscan/SNTS accept that, on this evidence, the scope for a likely significant effect on barbastelle populations within the Eversden and Wimpole Woods SAC might appear remote (in contrast to the position with the Breckland SPA, as discussed above), but it is not altogether absent. Given that it is not absent, Bioscan and SNTS consider that for the Habitats Regulations obligations to be duly discharged, this matter needs to be engaged with and not dismissed out of hand and in an evidence vacuum. Rather, it requires due and proper consideration of relevant evidence and a rational and reasoned conclusion to be drawn, in line with HRA procedure.
20. Bioscan/SNTS continue to suggest that in the same way that the ExA requested the evidential basis for NE dismissing functional linkage between the land affected by the project and the Breckland SPA, the evidential basis for the applicant’s assertions that there is no functional link between the Proposed Development and the Eversden and Wimpole Woods SAC should be made available to the Examination in order that the applicant’s assertions can be independently assessed. To fail to do so would be to omit a credible impact vector between the proposed development and this SAC.

Conclusions

21. Bioscan and SNTS consider that, following the Deadline 7 submissions, the ExA still remains bereft of sufficiently robust detail to enable the ExA to furnish the Secretary of State with information that accords with the regulatory and good practice requirements around HRA and is sufficient for them to discharge their obligations pursuant to regulation 63(3) of the Habitats Regulations.

Appendix E

Sunnica Energy Farm (EN010106)

March 13 2023

Peter Danks – Reading Agricultural Consultants:

Comment on the Councils' additional ALC submission [REP7-095] and summary of outstanding matters

Instructions

1. Reading Agricultural Consultants Ltd (RAC) is instructed by Say No To Sunnica Action Group Ltd (SNTS) to comment on the Councils' additional ALC submission **[REP7-095]**. In addition, RAC is instructed to provide a broad summary of the issues at the closure of the Examination of Sunnica Ltd's application for a Development Consent Order (DCO) for the construction, operation and decommissioning of Sunnica Energy Farm.
2. This summary has been prepared by Peter W Danks, Senior Director of RAC.

Introduction

3. The Examination of agricultural and soils issues relevant to the application has been limited by the willingness of the Applicant to respond directly to questions concerned with clear conflicts in the following areas:
 - a. the material relied on by the Applicant and methods employed in the acquisition of that material and its analysis;
 - b. the published evidence of soil types in the proposed development area;
 - c. protocols and guidelines for obtaining and analysing related data; and
 - d. the treatment of agricultural productivity and practices in the planning process.
4. In order to address these multiple complex issues briefly and clearly this summary sets out issues under the headings: missing information; flaws in interpretation; and anomalies, presenting supporting information in separate appendices and by way of reference to material already before the Examination. This is particularly pertinent in the light of the Council's suggestion that, given

the reasonable and significant doubts raised by RAC, a reasonable worst-case assessment should be adopted for ALC matters.

Comment on Councils' Deadline 7 submission regarding Rochdale and the reasonable worst case [REP7-095]

5. At Deadline 7 the four host local authorities, Cambridgeshire CC, East Cambridgeshire DC, Suffolk CC, and West Suffolk C, have produced an additional submission on the issue of agricultural land classification. In that note they identify the dispute that remains between the Applicant and SNTS, and they say that *"it would appear that the soil science experts reporting to the SNTS Group have identified anomalies that seem to raise reasonable and significant doubts about the assessment undertaken by Sunnica's experts"*. The Councils note that they do not have the specific internal expertise to assess the matter themselves; indeed, RAC are commonly act as external consultants for councils, including on occasion for Cambridgeshire CC. The Councils go on to suggest an alternative approach to resolving the issue: the 'Rochdale' envelope approach.
6. This would mean that, where doubts are present about the Applicant's analysis, a 'reasonable worst case' approach should be applied to the assessment of the evidence. This will mean that the ExA can be confident that any eventual scheme will fall within the 'Rochdale' envelope and that all the information necessary has been provided for the purposes of the Environmental Statement. They conclude noting that *"such a 'reasonable worst case' approach would extend to the assessment of best and most versatile agricultural land included within the scheme"*.
7. RAC maintains that its assessment of soil quality [REP2-240d pp21-26 & pp129-162] is preferable in this examination for a host of reasons, some of which are set out below. As such, we say our assessment of Best and Most Versatile (BMV) land within the scheme is the correct one and should be applied. However, RAC also agrees that the approach suggested by the Councils would be an expedient and robust one in resolving the outstanding disputes on ALC matters, should RAC's primary conclusions not be accepted. For the reasons RAC has set out at length in other submissions [REP2-240d & REP4-121], which are dealt with in a high-level form here, there remain reasonable and significant doubts about the assessment undertaken by the Applicant. Thus, adopting the approach suggested by the Councils, a 'reasonable worst case' assessment of BMV should be made.
8. It is clear that, in the case of this proposed development, the reasonable worst case should be based on the strategic scale Natural England (NE) Predictive BMV map [Appendix 5 & REP2-097u] which shows that 82% of the scheme area is 60% or more likely to be BMV. Detailed soil mapping

and associated memoirs also show that the soils of the area are generally accepted by soils scientists to have physical and locational characteristics that make them BMV [REP2-240d pp21-26 & pp139-140, REP2-097f pp4-5, APP115 p10 & REP4-121 pp130-131 & 137-141].

9. All of these references indicate that either the land is mapped as BMV, excluding any allowance for irrigation, or that a significant proportion of the soils of the scheme area have characteristics that would cause them to be classed as BMV across the scheme area.
10. To assist the ExA, RAC sets out below a high-level summary of those flaws evident in the baseline assessment undertaken by the Applicant, which it says are sufficient to give rise to the reasonable and significant doubts suggested by the Councils as leading to the 'Rochdale' approach being appropriate.
11. We do note that this approach is one that the Applicant has used previously, albeit in a limited way; at para 1.1.6 of [APP115 p4] the soils and agriculture baseline report it is stated: *"Burwell National Grid Substation Extension was not included within the ALC survey area. The land take required for Burwell National Grid Substation Extension would constitute a small area of land (less than 1ha). A detailed ALC survey places points at 100m intersections of the Ordinance Survey grid, so that the ability to resolve the baseline at a small site such as this is limited. It has therefore been decided to proceed on a worst-case scenario basis and assume that all agricultural land occupied by the Burwell National Grid Substation Extension would be Best and Most Versatile (BMV) land (see Section 2 for a definition of BMV land)."*

Missing information

12. The first high level issue is that significant information was omitted from the original application and remains missing despite requests that it be provided.

Calculations to support the moisture balance (MB) calculations of drought limitations used in grading for Agricultural Land Classification (ALC)

13. Despite submitting a technical note to address concerns expressed by Natural England [REP4-032 p41], the Applicant has failed to provide evidence to show how, why or where any "allowance" [para2.1.6] for unobserved characteristics used in the assessment of limitations in the soil profile was made or how it was justified, as repeatedly requested by NE [REP2-090, REP5-096, REP7-

104]¹. A similar request made of the Applicant by SNTS [**email correspondence at Appendix 2**] met with the response [**also at Appendix 2**] that all relevant information could be found in Appendix F of the soils baseline report [**APP-115 pp91-146**].

14. It is not the case that all relevant information is available in the soils baseline report. In its technical note to address NE's concerns [**REP4-032 p41**], the Applicant suggests that an allowance of an estimated 20cm of additional depth was calculated where permeable parent material was found within 1.2m depth, plus an additional 20% by volume stone content. This is not an allowance included in the 1988 revised ALC guidelines [**REP2-240n**], which makes specific allowances to take into account the presence of stones, rock or a very poorly structured horizon [**page 41-49 of the Guidelines**]. The Applicant has not justified why this unrecognised, unauthorised allowance is being used, where it is applied and how it was arrived at.
15. RAC has carried out an analysis [**Appendix 1**] of a sample of baseline observations appended to the baseline [**APP-115 pp91-146**] using first, recognised allowances set out in the 1988 revised guidelines [**REP2-240n p40 et seq.**] and subsequently, applying the allowance claimed by the Applicant [**highlighted blue in Appendix 1**] to the observed data. Neither of these analyses produce Moisture Balance results consistent with those set out in the appendix to the baseline in all bar one (CPa31) of the more than 70 of the calculations tested, and other combinations of characteristics also applied proved it difficult to create allowances that did.
16. It is evident from RAC's calculations of droughtiness applied to observations from Sunnica's baseline survey [**APP-115 pp91-146**] and presented in RAC's original assessment of agricultural impacts [**REP2-240d pp146-162; commentary at pp137-139**] that no consistent allowance has been made as stated in the Applicant's technical note to NE.
17. Continued failure to disclose a justified protocol for the apparently random allowance adjustment for droughtiness across the proposed development area puts in doubt the validity of the baseline report, particularly as droughtiness is the major limiting factor to the ALC grading of the land in this area, as stated at paragraph 5.1.4 of the soils baseline report.

¹ Para 2.4 of REP5-096 states "*Justification for these assumptions however is not provided (i.e. if these assumptions have been verified through pit excavation). For instance... ..the applicant acknowledges that the additional depth and stone content considerations provide a 'generous allowance'. Has the adjustment for coarse soil textures in the subsoil been taken into account? (Reduce AP of subsoil horizons by 20%) and Para 1.1.2 "Natural England would welcome the provision of Moisture Balance calculations for each point to accompany the written explanation provided"* at REP4-032.

Soil observation (observation pits)

18. The five soil observation pits detailed in the baseline assessment were excavated on 23rd and 24th September 2022, shortly before the Examination began on 7th October, and the results of laboratory analyses were issued on 21st October [APP115 pp87-89]. These pits therefore were not excavated to support the observations of changes in soil made in the course of the auger survey and in line with best practice in soil surveying.
19. Observation pits are usually excavated using a spade and pick, the exposed soil profile is described and recorded, and samples taken to confirm soil texture and stoniness. These are features that cannot easily be identified accurately from limited samples taken using a small diameter auger. Pits are the source of large volume samples used to accurately assess soil stoniness, correctly identify factors limiting observation depth and characterise soil structure. These are all features critical to the assessment of limitations applied in ALC calculations and the absence of their detailed assessment in the baseline is a significant omission.
20. Soil profile pits are normally dug to confirm changes in soil characteristics and inform the auger survey. Usually, and in small areas of relatively uncomplex soils, the minimum number of pits dug would be one per mapped association. In a situation where there are known to be complex soils many more pits should be dug.
21. The baseline survey relied on 1:250,000 scale soil association mapping [APP-115 p21- Ref7] to identify three soil associations in the scheme area [APP-115 p10]. Examination of the same map clearly shows that the site is covered by five soil associations [Appendix 3]. Examination of 1:63,360 detailed mapping covering the same area shows ten distinct soil series occurring across the scheme area [Appendix 4 & REP4-121 p138] and that the pits identified in the baseline report most likely only represent three of those series.
22. The observation pits described in the baseline could not have informed the conclusions of the baseline soil survey and were not sufficient in number to identify the soils of the area or confirm changes between soils. The accurate assessment of the distribution of soil characteristics across a survey area generally results in a more accurate representation of the complex distribution of ALC grades in areas of complex geology, landform and soils, such as that occupied by the proposed scheme.
23. The soil pits were either dug close to the headlands or in the case of soil pits 2, 3 and 4 they were dug in areas known to have the lightest, that is least water retentive, soils and so most limited land. No map of the distribution of soil pits was provided in the baseline and it appears that no

soil pits were dug in the middle of fields where better soils are predicted by NE [REP4-121 p144], for example on in the western block of land in Sunnica East A.

24. No photographs were taken of the pits to establish/verify the auger boring findings or the baseline information used in the Moisture Balance calculations. Observations from only one pit in five have been used by the Applicant to calculate Moisture Balances from which droughtiness limitations are assessed to confirm the calculations associated with auger borings. Topsoil samples only were taken from the pits for laboratory testing. No subsoil samples were taken to confirm changes in texture and otherwise inform Moisture Balance calculations in terms of stoniness or texture, both of which commonly change with depth.
25. These deviations from good practice originally defined by the Soil Survey and subsequently updated by Cranfield University throw doubts upon the reliability and objectiveness of the survey carried out by Daniel Baird Soils Consultancy (DBSC) and cause the survey to fail the British Society of Soil Science's (BSSS) test for a satisfactory ALC assessment.

Assessment of impact of loss of production from agricultural land

26. The Applicant has been asked to make some assessment of the impact of loss of production from the land on food security and wider local employment.
27. At ExQ2, the ExA asked the Applicant if the productive value of agricultural land is an important and relevant consideration for it to take into account, whether or not the land is classified as BMV [PD-021 Q2.9.7]. The Applicant's response to this question [REP5-056] was that "*the productive value of agricultural land is not an important and relevant consideration...*" in this matter and that applicants "*should seek to minimise impacts on best and most versatile land (except where inconsistent with other sustainability considerations) and... ..impacts on soil quality*".
28. Government policy already protects BMV land in order to protect a valuable soil resource key to food production and developing Government policy guidance strongly suggests that there is a trend to emphasise the importance of food production when considering development proposals involving solar farms on agricultural land.
29. Thus, there is no standard assessment for yield, productivity or current use of the agricultural land and it is for each case to be taken on its own merits. This would require the Applicant to produce a simple description of land use across the scheme area and place it into context with the locality and UK generally. No attempt to assess the productivity of the evidently high quality and adaptable land in the scheme area has been produced. Data from local farms provides evidence that

Flaws in acquisition and interpretation of policy and data

34. The second high level issue is that the Applicant has failed in its acquisition and interpretation of policy and data. This has not been remedied when it has been identified and raised with the Applicant.

Accounting for irrigation in ALC grading

35. Throughout the Examination, the Applicant has consistently asserted that the grading of land for ALC should be based only on the inherent physical characteristics of the land. However, this position relies on a flawed understanding of the history of this policy area and statements from Natural England in 2022 and its predecessor body the FRCA in 2000 **[REP2-240D pp296-298 & APP115 p66]**.
36. Land in the area is greatly valued, and uncommon in the UK, for its capacity to allow both the planting of early carrot crops in February and harvesting of sugar beet throughout the winter months into February. This requires light, free draining soils which warm up rapidly. Many of these high value crops rely on there being a supply of water at critical times to reduce the development of diseases such as scab in potatoes. Because rainfall is not predictable and may not occur naturally at critical times of plant development the ability to irrigate these crops is vital to produce the quality demanded by supermarkets.
37. As water supplies have come under increasing pressure from dry summers, the Environment Agency has recognised the need for irrigation of these crops by supporting the use of reservoirs filled from excess winter flows, which have been grant aided by the government in order that production in the area can continue sustainably.
38. The vegetable crops that benefit from these conditions cannot be grown on a continuous basis as wheat may be, instead they are usually grown on a six- to eight-year rotation to minimise the risk of pests and diseases. Thus, the loss of 1,000ha (2,500 acres) of land which satisfies these criteria has a much larger effect on the production than might immediately be apparent. For similar reasons it is very difficult to simply move this production elsewhere and there is a real concern that at least some of the production lost will be replaced by imported product.
39. Planning policy at all levels and Natural England accept that irrigation is a factor which should be taken into account in the planning balance.
40. The Applicant continues to ignore that TIN049 (2012) states **[REP2-240o p2]** that the only detailed guidance for classifying land can be found in MAFF's 1988 Guidelines on ALC **[REP2-240n]**, which

has never been revised nor has any supplementary guidance been issued to change the protocols set out in it. The 1988 guidelines clearly state at page 27 that the availability of adequate water will usually upgrade land by no more than one grade or subgrade. The Applicant has not identified any published official document that changes the 1988 Guidelines, which should therefore be applied in full as stated in TIN049. If all irrigable land graded 3b in the baseline were to be elevated by one subgrade an additional 493.3ha would be brought into BMV **[APP115 p 12]**, that is 50.3% of the scheme area.

41. The history of policy development in this area is set out in detail in an appendix to RAC's original report **[REP2-240d pp233-239]**.
42. In any event, irrigation can have a significant effect on the productivity of land and is a factor that in the opinion of Natural England **[APP-115 p66]** that should be taken into account by planning authorities when making land use planning decisions. In the absence of any such assessment of productivity an ALC grade taking irrigation into account is a reasonable substitute.

Soil observation (BSSS Assessment)

43. The baseline soil survey and report fail the BSSS validation test **[REP4-047]**, which is written to help development planning and control specialists evaluate ALC reports submitted in support of planning application.
44. The report fails on account of its failure to:
 - justify limitations when concluding the ALC grades on the site (as noted by Natural England);
 - clearly show the Moisture Balance values for drought (as noted by Natural England and set out above); and
 - clearly show soil wetness class.

In addition, the following items are of concern:

- not all soil types are clearly described – at least three other soils are identified in mapping used by the Applicant;
- there is no clear indication that the Applicant has used methods set out in the Soil Survey Field Handbook;
- no map of pit locations was included in the report; and
- the soil pit observations do not clearly show moisture balance values for drought.

-
45. When this occurs the BSSS recommends that the report is reviewed by a specialist. These concerns are set out in RAC's objective assessment of the Applicant's baseline assessment [**REP2-240d p19-21 & 135-141**] indicates that the assessment fails on three counts and gives rise to concern on a further five [**REP2-240d p142**]. BSSS states that, whilst single points of concern would not justify automatic referral to a specialist, multiple concerns and single failures should result in a report not being accepted without referral to specialists.

Anomalies

46. The third high level issue is that there remain anomalies between published information and evidence presented by the Applicant in the soils baseline report. These anomalies have been identified and raised consistently with the Applicant in RAC's submissions to the Examination but have not been addressed.

Evidence from soil and land quality mapping

47. The soil baseline assessment cites two published sources of mapping for soil type, the 1:250,000 soil map of England and Wales and Cranfield University's Land Information System (LANDIS). It fails to identify MAFF's 1:250,000 strategic ALC mapping, available on the Government's Magic mapping system and published Soil Survey mapping of soil series and associations at 1:63,360 scale.
48. Within this published environment there are a number of well documented anomalies, which remain unaddressed. These include a failure to identify two soil associations mapped on the 1:250,000 Soil Map of England and Wales [**Referenced at APP-115 p21**] as present on the sites, resulting, *inter alia*, in a failure to excavate sufficient observation pits to inform the auger survey. This failure is compounded by not examining smaller scale, more detailed mapping supported by published memoirs. These maps and soil memoirs describe the distribution and character of soils identified in highly detailed 1:10,560 mapping, carried out by the Soil Survey and MAFF, which are not reflected in the observations made in the course of the baseline survey.
49. The Magic mapping platform includes 1:250,000 provisional mapping of ALC, based on the pre-1988 grading which did not differentiate between subgrades 3a and 3b. This mapping clearly shows that up to 120ha of the scheme occupies land mapped as Grade 2 [**REP2-185h**], which if downgraded by one subgrade to account for adjustments for the presence of irrigation would be graded 3a, BMV. Whilst this mapping is unsuitable for use on field scale it is indicative of BMV land

in the scheme area, which is confirmed by the more recent grading by ADAS of land west of Kennett as BMV and its use in the baseline assessment.

50. Natural England publishes a predictive ALC map at 1:250,000 scale, based on the published information detailed above **[REP2-185f & c 5]**. This map identifies that there is greater than 60% likelihood of BMV land being found across 1,142ha of the proposed development area excluding Snailwell but including the cable route, shown in Appendix 7. Whilst this mapping is also unsuited to use on a field scale, the significant proportion of land identified as most likely to be BMV within the scheme area brings into doubt the finding of DBSC less than 1% of the area surveyed for the baseline is non-BMV **[APP115 p12]** of which 393ha is Grade 4, poor quality agricultural land with severe limitations which significantly restrict yields and the range of crops grown.
51. These inconsistencies with information published by authoritative sources have not been addressed by the Applicant, calling into question the unfounded conclusions of the baseline survey.
52. Similar issues were apparent and heavily criticised in a Planning Inquiry at Ripon **[REP2-240d p94-98 paras 146-177]**, where DBSC provided the agricultural evidence, and led to that report being rejected by the Inspector.
53. The conclusions of the Applicant's baseline soil survey are anomalous with what is predicted from the following sources:
 - Natural England's predictive BMV plan shows that 82% of the site is 60% or more likely to be BMV **[REP4-121 p144 & Appendix 5]**;
 - Defra's interactive Magic Map which suggests that more than 50% of the site is BMV; and
 - The Soil Survey's one inch to one mile (1:63360) soil series map **[REP4-121 p138]**.

Other Matters

Patrick Stephenson

54. The Applicant has repeatedly criticised work undertaken by Patrick Stephenson for SNTS on the grounds, *inter alia*, that the sites surveyed were outside the proposed development site.
55. The points surveyed by Mr Stephenson were outside the Scheme area because access to land for surveying was denied to SNTS by the landowners and it would not normally be expected for the

principal characteristics of soils to consistently vary significantly over a short distance. Mr Stephenson's observations are consistent with the characteristics of soils mapped by the Soil Survey in published detailed mapping of the area and thus Natural England's predictive map, which is not the case with the Baseline report [APP-115].

RAC survey comparisons

56. The Applicant asserts that the findings of its baseline survey are consistent with those of RAC's survey of land at Bay Farm Worlington, adjoining the scheme area [APP115 pp24-40]. The RAC survey covers an area that is not representative of the soils of the whole of the scheme area and thus no valid comparison can be made. The survey was of a prospective sand and gravel site which had partly and unsuccessfully restored to agricultural use. The sand and gravel deposits underlying Bay Farm do not extend across the scheme area but are restricted to a small area on the eastern boundary of Sunnica B. Thus, RAC's ALC grading is not representative of the scheme area.
57. The reduced density of observations, also criticised but not rectified by the Applicant was driven by the presence of restored, non-natural soils that were not representative of the natural soils of the site.
58. RAC's ALC report for Bay Farm includes only 3.3ha of land forming part of the 981ha application site [see attached plan in at Appendix 6], which report has not been verified by the Applicant. The RAC report is consistent with the 1:250,000 ALC mapping referenced by the Applicant [APP-115 p21], the Soil Survey's 1:63,360 soil association mapping [REP4-121 p138] and Natural England's predictive map for the area [REP4-121 p144 & Appendix 5] on the eastern boundary of Sunnica East B. It is therefore wrong of the Applicant to state the RAC report comes to the same conclusion as the Baseline report [APP115].

Establishment of native grassland across the solar farm

59. Sunnica stated in a webinar that it would take up to five years for native grasses to establish a good sward. It is disingenuous to compare these grasses with a monoculture ryegrass ley used in intensive grazing systems. Whilst a ryegrass ley would establish rapidly it is no different in terms of biodiversity to the crops currently grown across the scheme area.
60. Rapidly establishing a grass sward is fundamental to reducing the harm caused during construction and maintenance. It is also essential to reduce any risks of water and soil running off fields and into gateways, roads and watercourses, potentially causing pollution of those watercourses. Sunnica cites the reduction in nitrate pollution but nitrate is fairly rapidly leached from the soil

profile anyway. Of more concern are the high levels of phosphates held on the soil fractions which can therefore be washed overland, particularly where solar panel arrays run downhill.

The impact of solar farms on soil properties

61. In the course of the Examination, the Applicant has strongly advocated that the removal of agricultural land from production will have a beneficial effect on soil quality, particularly levels of Soil Organic Matter (SOM).
62. At ExQ2, the ExA asked the Applicant to provide clarity as to what impacts solar panels may have on the qualities of soils and for references to support this [PD-021 q2.9.4].
63. The extracts from the reference submitted by the Applicant [REP4-032 pp45-52] formed part of summary of a major report compiled for Defra, the relevant section of which is the 'Manual of Methods for 'Lowland' Agriculture'. The manual reported that "*Only if land is taken permanently out of cultivation (i.e. to permanent grassland or woodland), will the benefits of SOM accumulation and C storage be realised over the long-term.*" and that broadly similar results may be obtained by introducing grass and clover leys into long rotations, although evidence for this is limited. Thus, any benefits that might accrue from the removal of land from production would be lost with that land's return to productive agriculture, and any beneficial effect associated with the land's temporary use as a solar farm would itself be temporary.

Access for surveys

64. In the course of the Examination, SNTS has produced independent published information that strongly suggests that the grading of land in the baseline assessment is wrong. In order to verify the findings of the baseline survey, it has on four separate occasions requested that in the first instance Sunnica East A should be revisited resurvey by an independent third party or a joint survey by specialists instructed by the Applicant and SNTS.

Baseline soil conditions

65. Soil Organic Matter (SOM) The only assessment of SOM across the entire site comes from the six pits which SNTS believe are not representative of the soils across the site, being close to unrepresentative headlands on soils known to be and mapped as the lightest and most drought limited soils in the scheme area.
66. The Environmental Statement advocates that the removal from production of the land will result in benefits to levels of SOM and thus of Soil Carbon storage. There is no baseline assessment of either metric against which improvements or otherwise can be gauged. The current lack of basic

evidence of improvement means that this significant metric of environmental performance cannot be checked in future.

67. In order to assess any beneficial effects of ceasing the agricultural operations and grassing the fields many samples of both top and sub soils should be submitted for analysis to establish a robust baseline, as is the case in many other EIAs affecting large areas of agricultural land.
68. The Applicant has produced no data to substantiate its claims that SOM will be increased other than a single DEFRA summary report. Recent work at Rothamsted shows that SOM varies with clay content of soil, that is that lighter soils are unable to hold as much SOM as heavier soils. SNTS analysis of 14 fields around the DCO site found that of 14 fields only 4 (28%) had SOM/clay indices which classed the soils as degraded compared to Rothamsted's findings that over 38% of arable sites were degraded across the UK.
69. Thus, it seems unlikely that any significant improvement in SOM levels can be achieved through long term fallowing under a solar farm and that any benefit that does accrue will be temporary – paragraph 63 above.

Conclusions

70. It is clear that much of the evidence supporting the application is not robust insofar as it contains unexplained anomalies, and that the Examination process cannot provide sufficient time for those anomalies to be either checked or reworked to remove them.
71. The Councils participating in this Examination note this dispute remaining between the Applicant and SNTS, saying that *"it would appear that the soil science experts reporting to the SNTS Group have identified anomalies that seem to raise reasonable and significant doubts about the assessment undertaken by Sunnica's experts"*. The Councils go on to suggest an alternative approach to resolving the issue: the 'Rochdale' envelope approach.
72. This approach would mean that the ExA could be confident that any eventual scheme will fall within the 'Rochdale' envelope and that all the information necessary has been provided for the purposes of the Environmental Statement. The Councils conclude noting that *"such a 'reasonable worst case' approach would extend to the assessment of best and most versatile agricultural land included within the scheme"*.
73. RAC maintains that its assessment of soil quality [REP2-240d pp21-26 & pp129-162] is preferable in this examination for a host of reasons, some of which are set out below. As such, we say our

assessment of Best and Most Versatile (BMV) land within the scheme is the correct one and should be applied. However, RAC also agrees that the approach suggested by the Councils would be an expedient and robust one in resolving the outstanding disputes on ALC matters, should RAC's primary conclusions not be accepted. For the reasons RAC has set out at length in other submissions [**REP2-240d & REP4-121**], which are dealt with in a high level form here, there remain reasonable and significant doubts about the assessment undertaken by the Applicant. Thus, adopting the approach suggested by the Councils, a 'reasonable worst case' assessment of BMV should be made.

74. It is clear to RAC that this high-level summary of the flaws evident in the baseline assessment undertaken by the Applicant, is sufficient to give rise to the reasonable and significant doubts suggested by the Councils as leading to the 'Rochdale' approach being appropriate.

DBSC Profile Summaries and RAC Droughtiness Calculations

The following pages set out the calculations used by DBSC in the assessment of droughtiness limitations used in ALC grading in comparison with calculations by RAC applying standard calculations to DBSC observations and further applying assumptions in order to arrive at the results obtained by DBSC.

All profiles labelled '**A**' are based on the information as set out in the DBSC soil logs.

Assumptions made for subsequent scenarios are mostly noted in the Right Hand column.

Cells highlighted in **green** indicate where a matching moisture balance value has been achieved; Cells highlighted in **orange** indicate a very close, but not identical, moisture balance value; and Cells highlighted **red** indicate disparity in one set of moisture balance figures, alongside a match for the other crop (wheat or potato).

Cells highlighted in **blue** indicate where the allowance claimed by DBSC in its technical note to NE is applied.

Profile **LF46** includes **yellow** highlighted cells to indicate how marginal the final grade is based upon various assumptions.

DBSC Profile Summaries and RAC Droughtiness Calculations

Wetness / workability limitations are determined according to the methodology given in Appendix 3 of the ALC guidelines, MAFF 1988

Droughtiness calculations are made according to the methodology given in Appendix 4 of the ALC guidelines, MAFF 1988.

Grades are shown for drought, wetness and any other soil or site factors which are relevant. The overall Grade is set by the most limiting factor and shown on the right

Stone types			Climate Data	
%	TA _v	EA _v	MDwheat	119
hard	1	0.5	MDpotato	115
chalk	10	7		

Log.	Site No.	Depth cm	Texture	stone% hard	stone% chalk	Structure	APwheat mm	AP potato mm	DBSC Wheat	DBSC Potato	
	CPa18,19,21 A	T 0 30	mSL	10			46	46			
		30 40	mSL	10			14	14			
		40 60	mSL		20		24	28			
		60 120	Rock				0	0			
					Total			84			88
					MB			-35			-27
			Droughtiness grade (DR)			3b	3a	3b	3a		
	CPa18,19,21 B	T 0 30	mSL	10			46	46	Profile notes "stop for chalk"		
		30 40	mSL	10			14	14			
		40 60	mSL		20		24	28			
		60 120	Chalk				42	10			
					Total			126			98
					MB			7			-17
			Droughtiness grade (DR)			2	3a	3b	3a		
	CPa18,19,21 C	T 0 30	mSL	10			46	46	Illogical assumptions		
		30 40	mSL	10			14	14			
		40 60	mSL		20		24	28			
		60 85	mS	30			9	5			
		85 120	Rock				0	0			
					Total			93			93
			MB			-26	-22	DBSC MB	-26	-22	
			Droughtiness grade (DR)			3b	3a	3b	3a		
	CPa18,19,21 D	T 0 30	mSL	10			46	46	+20cm and +20% stone		
		30 40	mSL	10			14	14			
		40 60	mSL		20		24	28			
		60 80	mSL		40		19	13			
		80 120	Rock				0	0			
					Total			103			101
			MB			-16	-14	DBSC MB	-26	-22	
			Droughtiness grade (DR)			3a	3a	3b	3a		

Appendix 1

DBSC Profile Summaries and RAC Droughtiness Calculations

CPa31 A	T	0	25	mSL	30	31	31			
		25	120	Rock		0	0			
	Total					30	31			
	MB					-89	-85	DBSC MB	-73	-69
	Droughtiness grade (DR)					4	4		4	4
CPa31 B	T	0	25	mSL	30	31	31			
		25	39	mSL	30	15	15		Illogical assumption	
		39	120	Rock		0	0			
	Total					46	46			
	MB					-73	-69	DBSC MB	-73	-69
Droughtiness grade (DR)					4	4		4	4	
CPa31 C	T	0	25	mSL	30	31	31			
		25	45	mSL	50	16	16		+20cm and +20% stone	
		45	120	Rock		0	0			
	Total					46	47			
	MB					-73	-69	DBSC MB	-73	-69
Droughtiness grade (DR)					4	4		4	4	
CPa52,56,57,62 B	T	0	30	mSL	5	49	49			
		30	80	mSL	10	61	58		DBSC MB for wheat is incorrect	
		80	120	Rock		0	0			
	Total					109	107			
	MB					-10	-8	DBSC MB	-10	-16
Droughtiness grade (DR)					3a	2		3a	3a	
CPa52,56,57,62 B	T	0	30	mSL	5	49	49			
		30	80	mSL	10	61	58		Profiles notes "stop for chalk"	
		80	120	Chalk		28	0			
	Total					137	107			
	MB					18	-8	DBSC MB	-10	-16
Droughtiness grade (DR)					2	2		3a	3a	
CPa52,56,57,62 C	T	0	30	mSL	5	49	49			
		30	80	mSL	10	61	58		+20cm and +20% stone	
		80	100	mSL	30	20	0			
		100	120	Chalk		14	0			
	Total					143	107			
MB					24	-8	DBSC MB	-10	-16	
Droughtiness grade (DR)					2	2		3a	3a	
end	Surveyors notes :									

DBSC Profile Summaries and RAC Droughtiness Calculations

Stone types			Climate Data	
%	TA v	EAv	MDwhea t	121
hard	1	0.5	MDpotat o	118
chalk	10	7		

Site No.	Depth cm	Texture	stone% hard	stone% chalk	APwheat mm	APpotato mm	DBSC Wheat	DBSC Potato
LF4 A	T 0 30	mSL	10		46	46		
	0 50	mSL	10		27	27		
	5 12							
	0 0	Rock			0	0		
					Total	73	73	
				MB	-48	-45	DBSC MB	-28 -24
				Droughtiness grade (DR)	3b	3b		3a
LF4 B	T 0 30	mSL	10		46	46		
	0 50	mSL	10		27	27		
	5 12							
	0 0	mSL	20		62	24		
					Total	136	98	
				MB	15	-20	DBSC MB	-28 -24
				Droughtiness grade (DR)	2	3a		3a
LF4 C	T 0 30	mSL	10		46	46		
	0 50	mSL	10		27	27		
	5 70	mSL	30		16	22		
	7 12							
	0 0	mS	50		14	0		
				Total	103	95		
				MB	-18	-23	DBSC MB	-28 -24
				Droughtiness grade (DR)	3a	3a		3a
LF4 D	T 0 30	mSL	10		-	46		
	0 50	mSL	10			27		
	5 77	mSL	35			20		
	7 12							
	7 0	Rock				0	0	
				Total	93	94		
				MB	-28	-24	DBSC MB	-28 -24
				Droughtiness grade (DR)	3b	3a		3a
LF4 E	T 0 30	mSL	10		46	46		
	0 50	mSL	10		27	27		
	5 70	mSL	30		16	22		
	7 12							
	0 0	Rock			0	0		
								+20cm and +20% stone

DBSC Profile Summaries and RAC Droughtiness Calculations

LF46	T	0	30	hCL	20		44	44	Profile notes "stop for chalk"	
		3								
		0	60	hCL		80		30		34
		6	12							
		0	0	Chalk				42		10
						Tota I	116	87		
						MB	-5	-31	DBSC MB	
						Droughtiness grade (DR)	3a	3b	-24 -27 3b 3a	
LF46	T	0	30	hCL	20		44	44	Allowing +5cm below observed depth = up one grade	
		3								
		0	60	hCL		80		30		34
		6								
		0	65	hCL		80		4		6
6	12									
5	0	Chalk				39	5			
						Tota I	116	88		
						MB	-5	-30	DBSC MB	
						Droughtiness grade (DR)	3a	3a	-24 -27 3b 3a	
LF46	T	0	30	hCL	20		44	44	Illogical assumption	
		3								
		0	60	hCL		80		30		34
		6								
		0	86	hCL		40		23		14
8	12									
6	0	Rock				0	0			
						Tota I	97	91		
						MB	-24	-27	DBSC MB	
						Droughtiness grade (DR)	3b	3a	-24 -27 3b 3a	
LF87,99,11	T	0	30	mSL	15		44	44	Same profile, different MBs	
		3								
		0	50	mSL	15			26		26
		5	12							
		0	0	Rock				0		0
						Tota I	70	70		
						MB	-51	-48	DBSC MB	
						Droughtiness grade (DR)	4	3b	LF87 -22 -18 LF99 -33 -29 LF111 -36 -33 3b 3a/3b	
LF87,99,11	T	0	30	mSL	15		44	44	DBSC	
		3								
		0	50	mSL	15			26		26
		5	12							
		0	0	Chalk				49		20
						Tota I	119	90	MB	
						MB	-2	-28	LF87 -22 -18 LF99 -33 -29 LF111 -36 -33 3b 3a/3b	
						Droughtiness grade (DR)	3a	3a		
LF87,99,11	T	0	30	mSL	15		44	44	Illogical assumptions	
		3								
		0	50	mSL	15			26		26
		5								
		0	77	mSL	51			15		16
7	12									
7	0	Rock				0	0			
						Tota I	85	85	DBSC MB	
						MB	-36	-33	LF87 -22 -18 LF99 -33 -29 LF111 -36 -33 3b 3a/3b	
						Droughtiness grade (DR)	3b	3b		

DBSC Profile Summaries and RAC Droughtiness Calculations

LF87,99,11	1	T	0	30	mSL	15		44	44	
	D		0	50	mSL	15		26	26	
			0	70	mSL	35		15	20	+20cm and +20% stone
			7	12				0	0	
			0	0	Rock					
							Tota	84	90	
							MB	-37	-28	
							Droughtiness grade (DR)	3b	3a	
LF209	A	T	0	30	mSL	10		46	46	
			3	50	mSL	10		27	27	
			0	70	LmS		20	12	18	
			5	12				0	0	
			7	0	Rock					
			0				Tota	86	92	
							MB	-35	-26	DBSC MB
							Droughtiness grade (DR)	3b	3a	-13
										3a
LF209	B	T	0	30	mSL	10		46	46	
			3	50	mSL	10		27	27	
			0	70	LmS		20	12	18	Profile notes "stop for chalk"
			5	12				35	0	
			7	0	Chalk					
			0				Tota	121	92	
							MB	0	-26	DBSC MB
							Droughtiness grade (DR)	3a	3a	-13
										3a
LF209	C	T	0	30	mSL	10		46	46	
			3	50	mSL	10		27	27	
			0	70	LmS		20	12	18	Illogical assumption
			5	12				22	0	
			7	0	LmS	30				
			0				Tota	108	92	
							MB	-13	-26	DBSC MB
							Droughtiness grade (DR)	3a	3a	-13
										3a
LF209	1	T	0	30	mSL	10		46	46	
	D		0	50	mSL	10		27	27	
			0	70	LmS		20	12	18	+20cm and +20% stone
			0	90	LmS	20	20	10	0	
			7	12				0	0	
			0	0	Rock					
							Tota	96	92	
							MB	-25	-26	DBSC MB
							Droughtiness grade (DR)	3b	3a	-13
										3a

end Surveyors notes :

Appendix 1

DBSC Profile Summaries and RAC Droughtiness Calculations

Log.	Site No.	Stone types			Climate Data		Struct-ure	APwheat mm	AP potato mm	DBSC Wheat	DBSC Potato
		%	TAv	EAv	MDwheat	MDpotato					
		hard	1	0.5	MDwheat	120					
		chalk	10	7	MDpotato	116					
		hard									
Log.	Site No.	Depth cm	Texture	stone% hard	stone% chalk	Struct-ure	APwheat mm	AP potato mm	DBSC Wheat	DBSC Potato	
	S47	T	0 30	mSL	10		46	46	DBSC MB assumes less than no available water		
	A		30 45	mSL	10		20	20			
			45 80	mCL	10		34	36			
			80 120	Rock			0	0			
						Total	101	103	DBSC MB	-20	
						MB	-19	-13	3a/3b	-25	
						Droughtiness grade (DR)		3a	3a	3a	
	S47	T	0 30	mSL	10		46	46	DBSC MB	-20	
	B		30 45	mSL	10		20	20			
			45 80	mCL	10		34	36			
			80 120	mCL	20		32	0			
						Total	133	103	DBSC MB	-20	
						MB	13	-13	3a/3b	-25	
						Droughtiness grade (DR)		2	3a	3a	
	S47	T	0 30	mSL	10		46	46	+20cm and +20%	DBSC MB	
	C		30 45	mSL	10		20	20			
			45 80	mCL	10		34	36			
			80 100	mCL	30		14	0			
			100 120	Rock			0	0			
						Total	115	103	DBSC MB	-20	
						MB	-5	-13	3a/3b	-25	
						Droughtiness grade (DR)		3a	3a	3a	
	S69	T	0 40	PS	0		156	156	DBSC MB	-60	
	A		40 120	Rock			0	0			
						Total	156	156			
						MB	36	40			
						Droughtiness grade (DR)		1	1	4	
	S69	T	0 40	PS	0		156	156	+20cm and +20%	DBSC MB	
	B		40 60	PS	20		60	63			
			60 120	Rock			0	0			
						Total	216	219			
						MB	96	103	4	-60	
						Droughtiness grade (DR)		1	1	4	
end	Surveyors notes :										

DBSC Profile Summaries and RAC Droughtiness Calculations

Stone types			Climate Data	
%	TA v	EAv	MDwheat	119
hard	1	0.5	MDpotato	115
chalk	10	7		

Site No.	Depth cm	Texture	stone% hard	stone% chalk	Structure	APwheat mm	AP potato mm	DBSC Wheat t	DBSC Potato
MF8/9/12/17/2 1 etc A	T 0 30	mS	15			31	31		
	30 120	Rock				0	0		
					Total	31	31		
					MB	-88	-84	DBSC MB	-75
				Droughtiness grade (DR)	4	4		4	4
MF8/9/12/17/2 1 etc B	T 0 30	mS	15			31	31		
	30 60	mS	15			17	18		
	60 120	mS	15			26	6		
					Total	74	55		
				MB	-45	-60	DBSC MB	-75	-71
				Droughtiness grade (DR)	3b	4		4	4
MF8/9/12/17/2 1 etc C	T 0 30	mS	15			31	31		
	30 54	mS	25			13	13		Random assumed depth to rock
	54 120	Rock				0	0		
					Total	44	44		
				MB	-75	-71	DBSC MB	-75	-71
				Droughtiness grade (DR)	4	4		4	4
MF8/9/12/17/2 1 etc D	T 0 30	mS	15			31	31		
	30 51	mS	15			13	13		Random assumed depth to rock
	51 120	Rock				0	0		
					Total	44	44		
				MB	-75	-71	DBSC MB	-75	-71
				Droughtiness grade (DR)	4	4		4	4
MF8/9/12/17/2 1 etc E	T 0 30	mS	15			31	31		
	30 50	mS	35			10	10		+20cm and +20% stone
	50 120	Rock				0	0		
					Total	41	41		
				MB	-78	-74	DBSC MB	-75	-71
				Droughtiness grade (DR)	4	4		4	4
MF56/57 A	T 0 30	LmS	10			35	35		
	30 40	LmS		10		9	9		

DBSC Profile Summaries and RAC Droughtiness Calculations

		40	120	Rock			0	0			
						Total	44	45		DBSC	
						MB	-75	-71		MB	-52 -48
					Droughtiness grade (DR)		4	4			4 3b
MF56/57	T	0	30	LmS	10		35	35			
B		30	40	LmS		10	9	9			
		40	120	Chalk			59	30			
						Total	104	75		DBSC	
						MB	-15	-41		MB	-52 -48
					Droughtiness grade (DR)		3a	3b			4 3b
MF56/57	T	0	30	LmS	10		35	35			
C		30	40	LmS		10	9	9			
		40	65	LmS		10	18	23			
		65	120	Rock			0	0			
						Total	63	67		DBSC	
						MB	-56	-48		MB	-52 -48
					Droughtiness grade (DR)		4	3b			4 3b
MF56/57	T	0	30	LmS	10		35	35			
D		30	40	LmS		10	9	9			
		40	71	LmS		25	22	28			
		71	120	Rock			0	0			
						Total	67	72		DBSC	
						MB	-52	-43		MB	-52 -48
					Droughtiness grade (DR)		4	3b			4 3b
MF56/57	T	0	30	LmS	10		35	35			
E		30	40	LmS		10	9	9			+20cm and +20% stone
		40	60	LmS		30	16	19			
		60	120	Rock			0	0			
						Total	60	63		DBSC	
						MB	-59	-52		MB	-52 -48
					Droughtiness grade (DR)		4	3b			4 3b

end

Surveyors notes :

DBSC Profile Summaries and RAC Droughtiness Calculations

Stone types			Climate Data	
%	TA v	EAv	MDwheat	117
hard	1	0.5	MDpotato	113
chalk	10	7		

Site No.	Depth cm	Texture	stone% hard	stone% chalk	Structure	APwheat mm	AP potato mm	DBSC Wheat
BF3,7 A	T 0 30	mSL	8			47	47	DBSC MB assumes less than no water
	30 40	mSL	8			14	14	
	40 60	LmS		15		15	18	
	60 120	Rock				0	0	DBSC MB -28
	Total					76	79	BF3 3b
					MB	-41	-34	-19
Droughtiness grade (DR)						3b	3b	BF7 3a
BF3,7 B	T 0 30	mSL	8			47	47	Profiles note "stop for chalk"
	30 40	mSL	8			14	14	
	40 60	LmS		15		15	18	
	60 120	Chalk				42	10	DBSC MB -28
	Total					118	89	BF3 3b
					MB	1	-24	-19
Droughtiness grade (DR)						3a	3a	BF7 3a
BF42-49,65-68, 81-85 A	T 0 25	LmS	5	5		31	31	
	25 40	LmS	5	5		13	13	
	40 120	Rock				0	0	
	Total					44	44	DBSC MB -56
						MB	-73	-69
Droughtiness grade (DR)						4	4	
BF42-49,65-68, 81-85 B	T 0 25	mSL	5	5		40	40	
	25 40	mSL	5	5		21	21	
	40 120	Rock				0	0	
	Total					61	61	DBSC MB -56
						MB	-56	-52
Droughtiness grade (DR)						4	3b	
BF42-49,65-68, 81-85 C	T 0 25	LmS	5	5		31	31	Illogical assumption
	25 40	LmS	5	5		13	13	
	40 80	LmS	42	5		17	17	
	80 120	Rock				0	0	
	Total					61	61	DBSC MB -56
					MB	-56	-52	

DBSC Profile Summaries and RAC Droughtiness Calculations

				Droughtiness grade (DR)		4	3b			4
BF42-49	T	0	25	LmS	5	5	31	31		
D		25	40	LmS	5	5	13	13	Profile notes "stop for chalk"	
		40	120	Chalk			59	30		
						Total	103	74		
						MB	-14	-39	DBSC MB	-56
				Droughtiness grade (DR)		3a	3b			4
BF42-49,65-68,81-85	T	0	25	LmS	5	5	31	31		
E		25	40	LmS	5	5	13	13	+20cm and +20% stone	
		40	60	LmS	15	15	13	16		
		60	120	Rock			0	0		
						Total	57	60	I	I
						MB	-60	-54	DBSC MB	-56
				Droughtiness grade (DR)		4	3b			4
end	Surveyors notes :									

DBSC Profile Summaries and RAC Droughtiness Calculations

Stone types			Climate Data	
%	TA v	EAv	MDwheat	MDpotato
hard	1	0.5	119	115
chalk	10	7		

Log.	Site No.	Depth cm	Texture	stone % hard	stone % chalk	Structure	APwheat mm	AP potato mm	DBS C Wheat	DBS C Potato	
	CP6/7 A	T 0 30	mSL	12			45	45			
		3 0 40	mSL	12			13	13			
		4 0 45	mSL		20		7	7			
		4 4 12									
		5 0	Rock				0	0			
							Total	66	66		
						MB	-53	-49	DBS C MB	-28 -24	
						Droughtiness grade (DR)	4	3b		3b 3a	
	CP6/7 B	T 0 30	mSL	12			45	45			
		3 0 40	mSL	12			13	13			
		4 0 45	mSL		20		7	7			
		4 4 12									
		5 0	Chalk				54	25			
							Total	120	91		
						MB	1	-24	DBS C MB	-28 -24	
						Droughtiness grade (DR)	3a	3a		3b 3a	
	CP6/7 C	T 0 30	mSL	12			45	45			
		3 0 40	mSL	12			13	13			
		4 0 45	mSL		20		7	7			
		4 4 78	mSL		95		25	26		Illogical assumptions	
		7 12									
		8 0	Rock				0	0			
							Total	91	91		
							MB	-28	-24	DBS C MB	-28 -24
						Droughtiness grade (DR)	3b	3a		3b 3a	
	CP6/7 D	T 0 30	mSL	12			45	45			
		3 0 40	mSL	12			13	13			
		4 0 45	mSL		20		7	7		+20cm and +20% stone	
		4 4 65	mSL		40		21	26			
		6 12									
		5 0	Rock				0	0			
						Total	86	92			
						MB	-33	-23	DBS C MB	-28 -24	

DBSC Profile Summaries and RAC Droughtiness Calculations

						Droughtiness grade (DR)		3b	3a			3b	3a
CP76-79 A	T	0	30	mSL	12		45	45					
		3											
		0	45	mSL	12		20	20					
		4	12										
		5	0	Rock			0	0					
						Total	65	65					
						MB	-54	-50			DBS		
						Droughtiness grade (DR)		4	3b			4	3b
						Droughtiness grade (DR)		4	3b			4	3b
CP76-79 B	T	0	30	mSL	12		45	45			Profile notes "stop for chalk"		
		3											
		0	45	mSL	12		20	20					
		4	12										
		5	0	Chalk			54	25					
						Total	119	90					
						MB	0	-25			DBS		
						Droughtiness grade (DR)		3a	3a			4	3b
						Droughtiness grade (DR)		3a	3a			4	3b
CP76-79 A	T	0	30	mSL	12		45	45			+20cm and +20% stone		
		3											
		0	45	mSL	12		20	20					
		4	12										
		5	0	Rock			0	0					
						Total	82	86					
						MB	-37	-29			DBS		
						Droughtiness grade (DR)		3b	3a			4	3b
						Droughtiness grade (DR)		3b	3a			4	3b
CP82-84, 88-90, 102-115, 133-137, 145-149 A	T	0	25	mSL	10		39	39					
		2											
		5	45	mSL	10		27	27					
		4	12										
		5	0	Rock			0	0					
						Total	66	66					
						MB	-53	-49			DBS		
						Droughtiness grade (DR)		4	3b			4	3b
						Droughtiness grade (DR)		4	3b			4	3b
CP82-84, 88-90, 102-115, 133-137, 145-149 B	T	0	25	mSL	10		39	39			Profile notes "stop for chalk"		
		2											
		5	45	mSL	10		27	27					
		4	12										
		5	0	Chalk			54	25					
						Total	120	91					
						MB	1	-24			DBS		
						Droughtiness grade (DR)		3a	3a			4	3b
						Droughtiness grade (DR)		3a	3a			4	3b
CP82-84, 88-90, 102-115, 133-137, 145-149 C	T	0	25	mSL	10		39	39			Illogical assumptions		
		2											
		5	45	mSL	10		27	27					
		4	12										
		5	77	mSL	40		23	24					
						Total	89	89					
						MB	0	0					
						Droughtiness grade (DR)		0	0				
						Droughtiness grade (DR)		0	0				

DBSC Profile Summaries and RAC Droughtiness Calculations

CP153	T	0	25	mZCL	15	41	41	Profile notes "stop for chalk" Could plausibly be Grade 2		
		2								
C		5	50	mZCL	15	37	37			
		5								
		0	60	mZCL		30	9		15	
		6								
		0	70	mZCL		50	9		14	
		7	12							
		0	0	Chalk			35		0	
						Total	130		106	
						MB	11	-9	DBS C MB -12 -17	
						Droughtiness grade (DR)	2	2	3a 3a	
CP153	T	0	25	mZCL	15	41	41	+20cm and +20% stone		
		2								
D		5	50	mZCL	15	37	37			
		5								
		0	60	mZCL		30	9		15	
		6								
		0	80	mZCL		50	17		14	
		8	12							
		0	0	Rock			0		0	
						Total	103		106	
						MB	-16	-9	DBS C MB -12 -17	
						Droughtiness grade (DR)	3a	2	3a 3a	
CP172/173, 186/187,189,200/201, 209,210, 212, 213,218,224	T	0	25	mZCL	15	44	44			
		2								
A		5	30	mZCL	15	8	8			
		3								
		0	45	mZCL	20	23	23			
		4	12							
		5	0	Rock			0		0	
						Total	76		76	
						MB	-43		-40	DBS C MB -22 -18
						Droughtiness grade (DR)	3b		3b	3b 3a
CP172/173, 186/187,189,200/201, 209,210, 212, 213,218,224	T	0	25	mZCL	15	44	44	Profile notes "stop for chalk"		
		2								
B		5	30	mZCL	15	8	8			
		3								
		0	45	mZCL	20	23	23			
		4	12							
		5	0	Chalk			54		25	
						Total	130		101	
						MB	11		-15	DBS C MB -22 -18
						Droughtiness grade (DR)	2		3a	3b 3a
CP172/173, 186/187,189,200/201, 209,210, 212, 213,218,224	T	0	25	mZCL	15	44	44	Profile could easily/plausibly be Grade 2		
		2								
C		5	30	mZCL	15	8	8			
		3								
		0	45	mZCL	20	23	23			
		4								
		5	60	mZCL	50	15	20			
		6	12							
		0	0	Chalk			42		10	

DBSC Profile Summaries and RAC Droughtiness Calculations

		Total	133	106	DBS	
		MB	14	-9	C	
		Droughtiness grade (DR)	2	2	MB	-22 -18
						3b 3a
<hr/>						
CP172/173, 186/187,189,200/201, 209,210, 212, 213,218,224		T	0	25	mZCL	15
			2			44
			5	30	mZCL	15
			3			8
			0	45	mZCL	20
			4			23
			5	65	mZCL	40
			6	12		20
			5	0	Rock	0
						0
		Total		96		104
		MB		-23		-11
		Droughtiness grade (DR)		3b		3a
<hr/>						
					DBS	
					C	
					MB	-22 -18
						3b 3a
<hr/>						
end	Surveyors notes :					

Email correspondence regarding soils data

Note: Text regarding Moisture Balance is highlighted in **Yellow**.

Subject: Re: ALC

Date: Fri, 19 Aug 2022 10:01:54 +0100

From: info@sunnica.co.uk

To: anne noble <[REDACTED]>

Dear Anne,

Thank you for your email. The laboratory that analysed the soil sample is Natural Resource Management (NRM) – Carwood Scientific ([REDACTED]). The laboratory's details are available on page 87 of Appendix 12B of the Environmental Statement [[APP-115](#)].

To assist I have also listed them below:

*Natural Resource Management, a trading division of Cawood Scientific Ltd.
Coopers Bridge, Braziers Lane, Bracknell, Berkshire, RG42 6NS
Tel: 01344 886338
Fax: 01344 890972
email: enquiries@nrm.uk.com*

I can confirm that Mr Baird did not obtain legible copies of the notes from Natural England, he was not able to take the documents away from Natural England's office as the documents were the originals. Photocopies were only partially legible due to the condition of the documents themselves. Mr Baird did take some photos of the notes for reference which we are happy to share if you would like us to.

Further to this, we would like to clarify that Mr Baird did not downgrade the site due to irrigation, rather the then MAFF upgraded drought limited land by one grade or subgrade because of the availability of irrigation water at that time. Details of this are included within Appendix 12B of the Environmental Statement [[APP-115](#)], Annex B (sections 7.2 [page 47] and 3.3 [page 56]).

Correspondence with Natural England has confirmed that the upgrade for irrigation ended in 1997 and assessments should therefore be reviewed without irrigation, which is what Mr Baird has done. Details of this exchange are provided within Annex C [page 66] of Appendix 12B of the Environmental Statement [[APP-115](#)].

Kind regards,

Scott
(For and on behalf of Sunnica)

----- Original Message -----

From:

"anne noble" <[REDACTED]>

To:

<info@sunnica.co.uk>

Cc:

Sent:

Tue, 16 Aug 2022 09:01:43 +0100

Subject:

Re: ALC

Good Morning Scott

Please could you tell us which laboratory carried out the analyses- it would be normal practice to include the results as they are received from the lab.

Email correspondence regarding soils data

As Mr Baird obviously obtained the notes from NE, can we ask why that data was not included in his report as it is part of the DCO application and Mr Baird has downgraded the entire site due to the irrigation without including the data.

We look forward to your prompt response

best regards

Anne

On 15/08/2022 11:58, info@sunnica.co.uk wrote:
Dear Anne,

Thank you for your email We have consulted with Daniel Baird (M.I. Soil Sci) our project soil consultant, who has checked whether any excess viable material remains from the sampling carried out in October 2021.

The laboratory has not retained any excess sampling from this survey. This is in line with their standard approach of not retaining any excess sampling for a period of longer than a few weeks. As the tests on the soil samples used are, by their very nature, destructive we are not therefore able to share any of the material submitted to the laboratory.

With regard to Mr Baird's calculations, all moisture deficit values used are given in Table 5-1 (page 6) of the Environmental Statement (ES), Appendix 12B: Soils and Agriculture Baseline Report [APP-115]. All of the information required to calculate moisture balances is publicly available within the ES Appendix 12B [APP-115]. This includes the records of soil depth, texture, stone content, and subsoil structure from each sample point.

The calculations used to derive the moisture balance figures for the ALC grade thresholds are included within the MAFF ALC guidelines handbook (October 1988) which is available here: [REDACTED]

The field notes from the MAFF's 1992 survey of the land now forming part of the site of the proposed Sunnica Energy Farm are available in original handwritten field note form (MAFF did not transcribe these notes into typed or digital form). However, we can confirm that the original MAFF handwritten field notes are available for inspection in person at Natural England's office in Reading. We recommend that you contact Natural England directly to arrange to view this MAFF information if you have not done so already.

I hope that this information is helpful and please do let me know if you have any further questions.

Kind regards,

Scott
(For and on behalf of Sunnica Ltd)

----- Original Message -----

From:

"anne noble" [REDACTED]

To:

<info@sunnica.co.uk>

Cc:

Sent:

Wed, 3 Aug 2022 12:51:40 +0100

Subject:

ALC

Good Afternoon

On behalf of SNTS Ltd (Say No to Sunnica Action Group) we formally wish to request access to the retained samples from the laboratory used by Daniel Baird to analyse the soils surveyed for Sunnica Ltd as part of the land classification report. These samples would normally be retained for 12 months and appear, from dates in the reports, to have been submitted in October 2021.

Email correspondence regarding soils data

We also request disclosure of Mr Baird's observations and calculations underlying the Moisture Deficit figures stated in those reports.

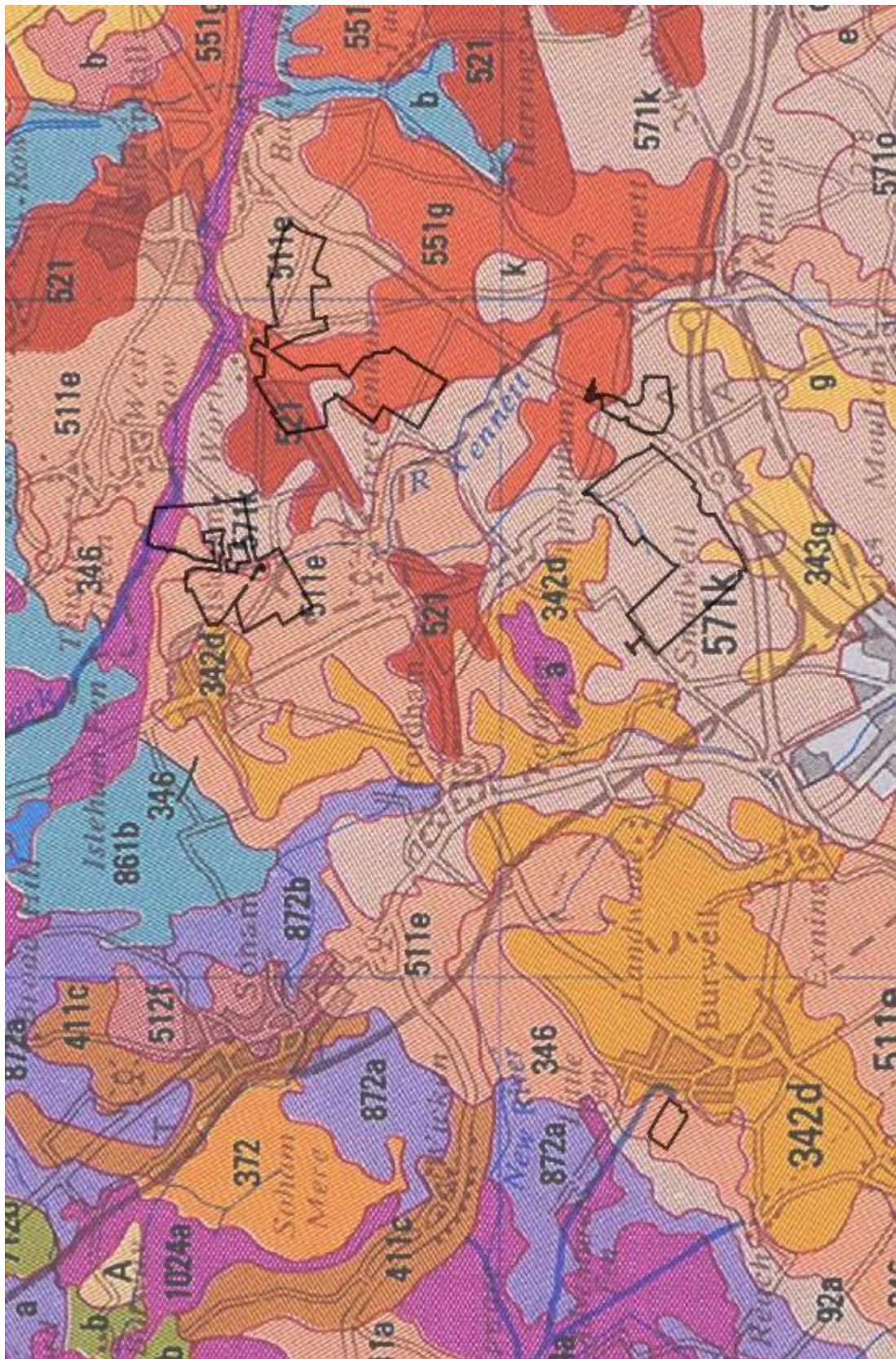
We also request access to the observations, auger borings, soil samples and Moisture Deficit figure calculations for the land previously surveyed by MAFF and now forming part of the Sunnica site.

Thank you

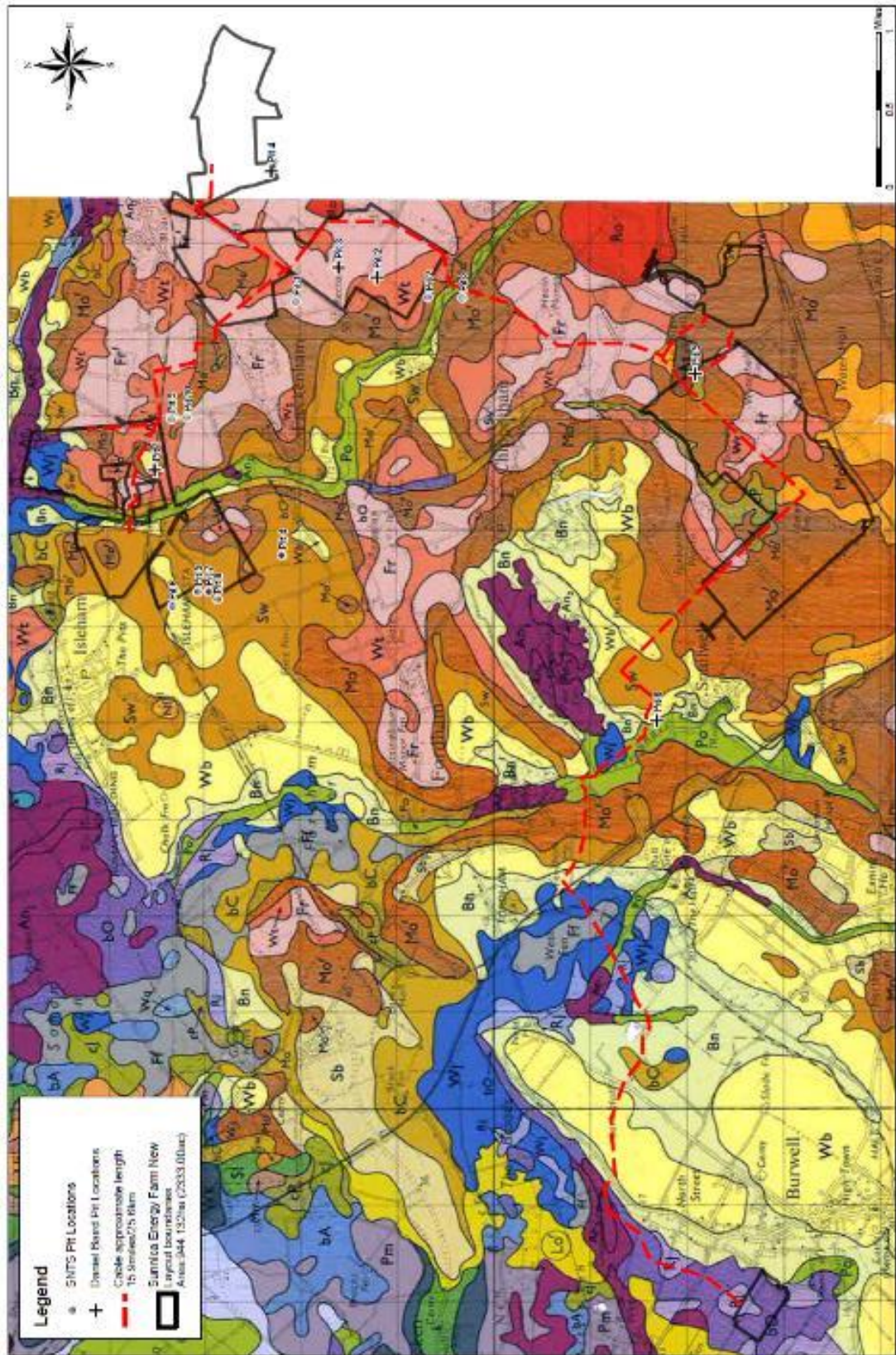
Best regards

Anne

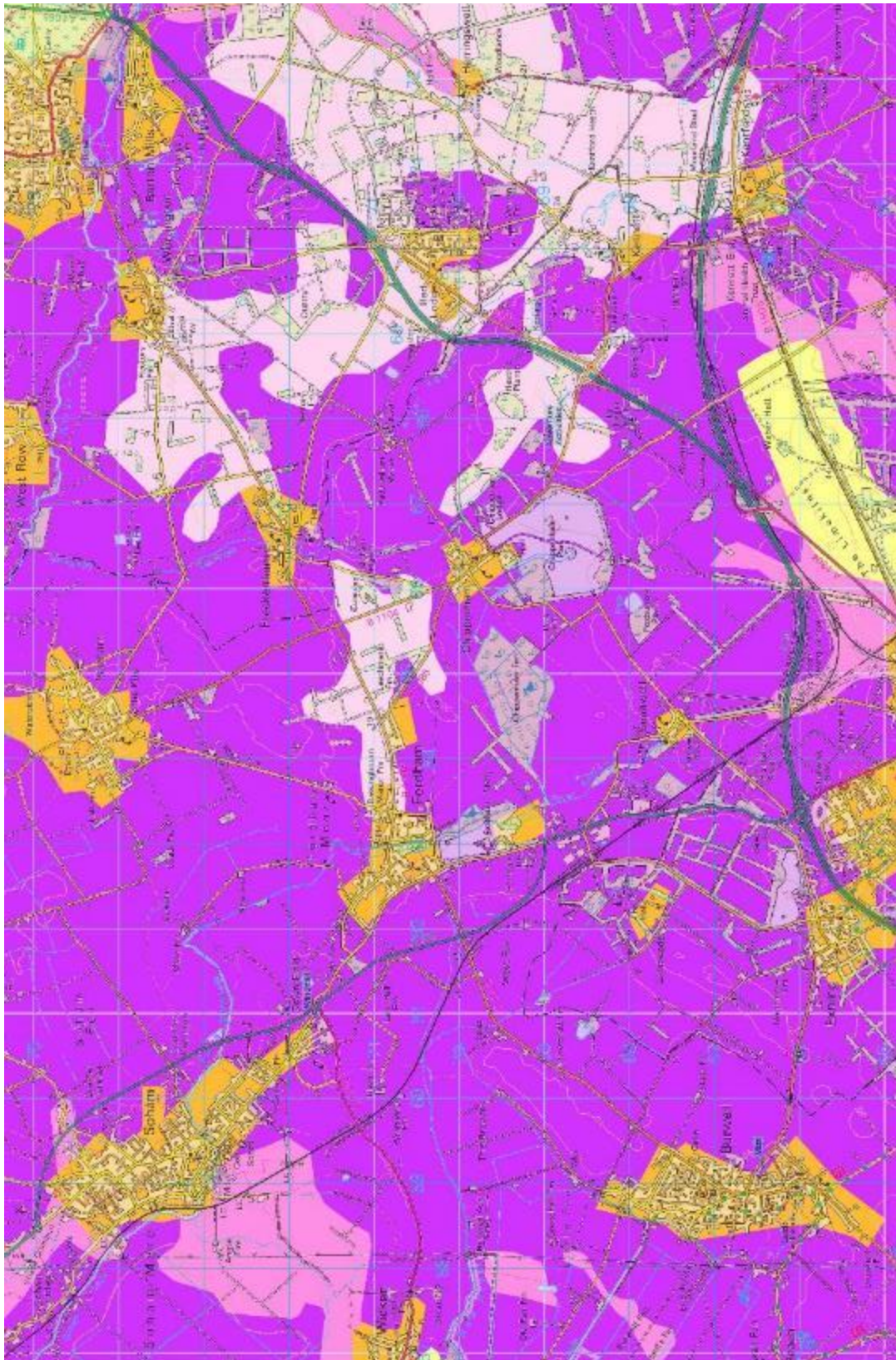
Extract from 1:250,000 soil association mapping showing the extent of the scheme area



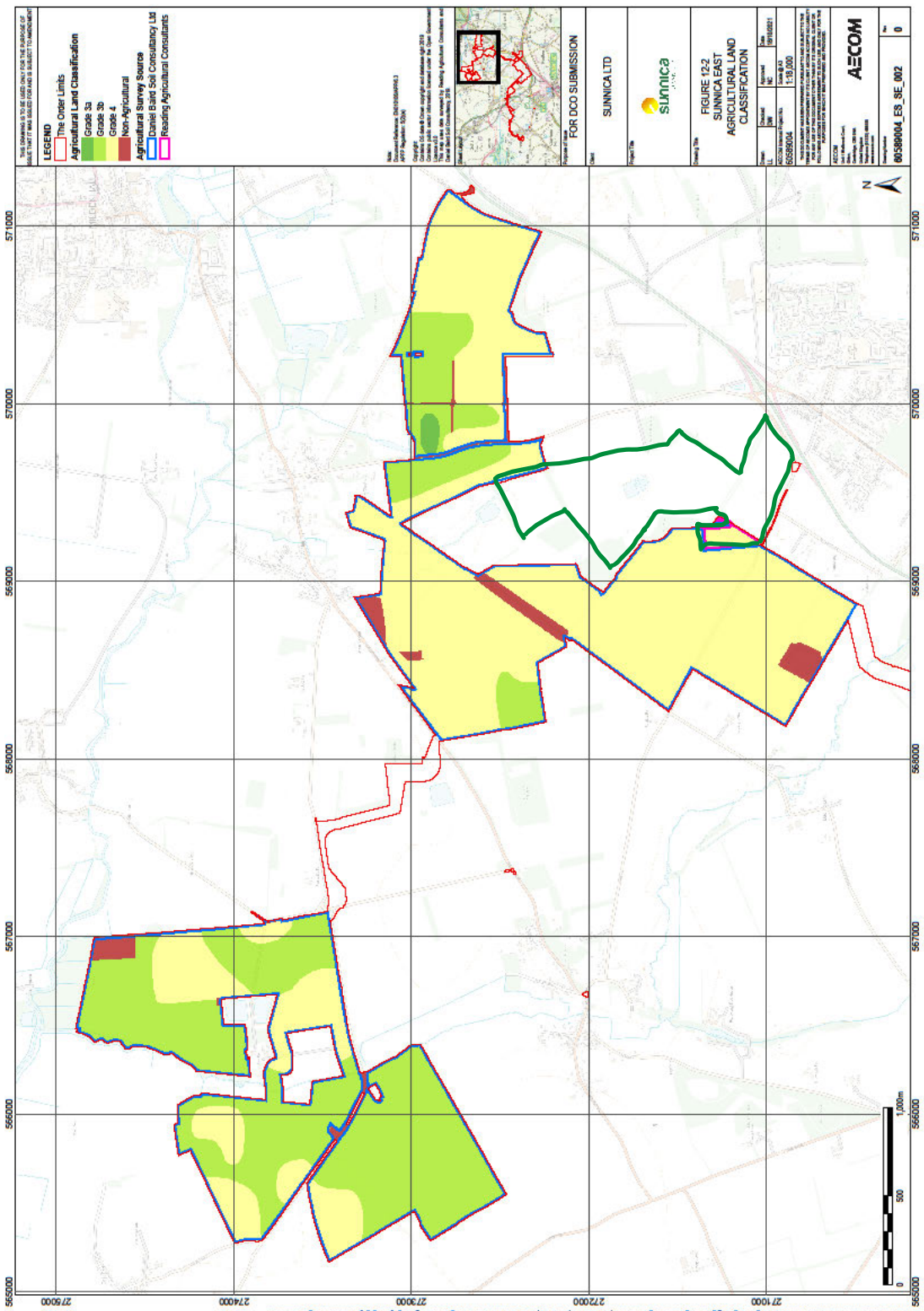
Extract from 1:63,360 soil series mapping showing the extent of the scheme area



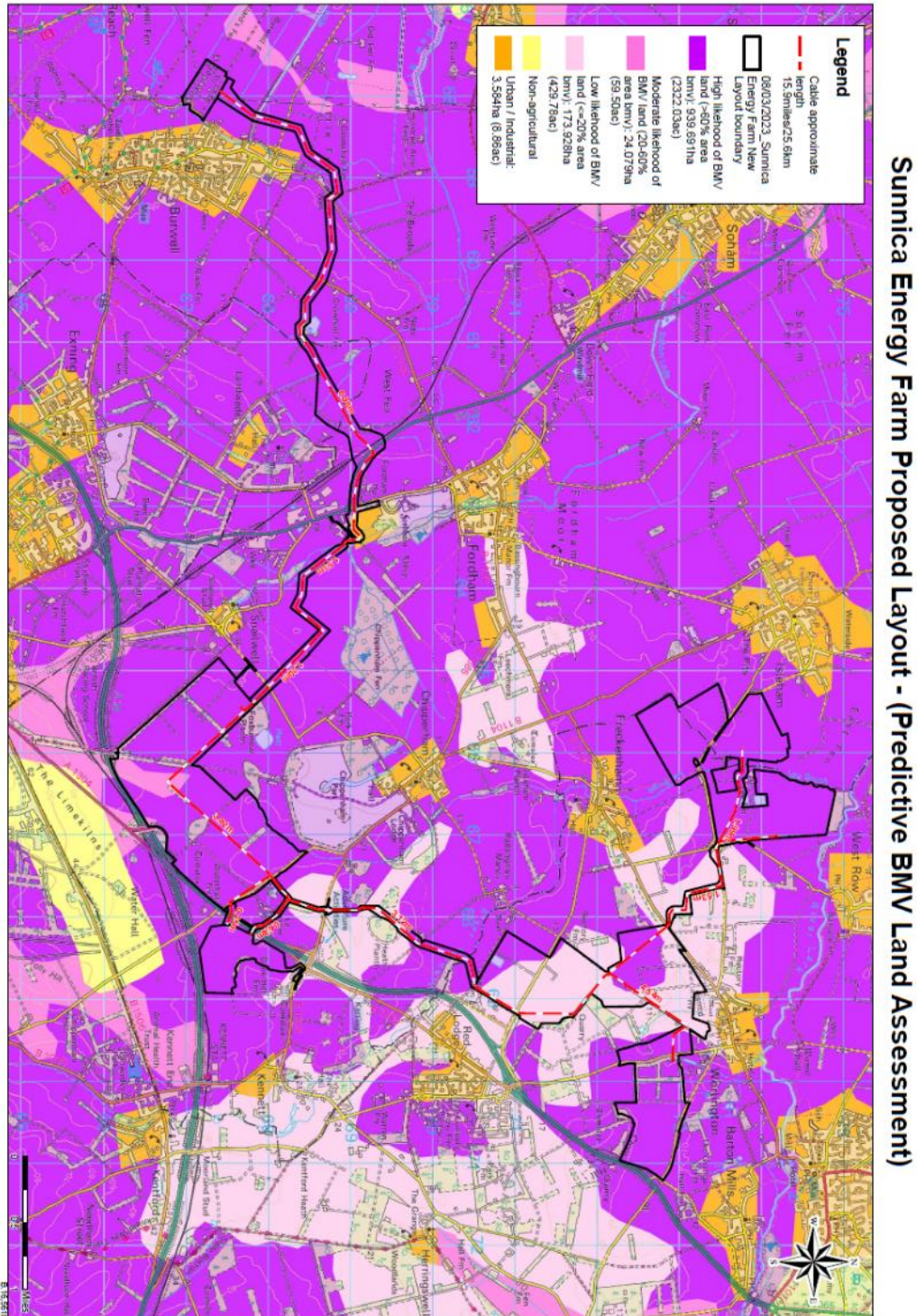
Extract from Natural England's 1:250,000 predictive mapping assessment of Best and Most Versatile land



Sunnica Baseline Soils Map showing extent of RAC Surveys (in green)



Sunnica Energy Farm Proposed Layout
 Predictive BMV land assessment



Appendix F

SNTS Comments on Deadline 7 Submissions – Battery Safety and Air Quality

The below comments by SNTS relate to the following D7 submissions:

REP7-056 Document 8.96 Applicant's response to Other Parties Deadline 6 Submissions

REP7-055 Document 8.95 Applicant's response to the ExA's Third Written Questions

REP7-074 Councils Joint answers to Examining Authority's Questions 3 (ExQ3)

- 1) SNTS has set out its position regarding the Applicant's Outline Battery Fire Safety Management Plan (OBFSMP) and its Unplanned Emissions assessments in previous submissions, including our Written Representations, submissions at Deadline 4 (**REP4-121**) and Deadline 6 (**REP6-074**). This position remains unchanged and SNTS does not seek to repeat its concerns here.
- 2) Should the Applicant follow the advice of the councils and other Interested Parties (including SNTS) and further refine its OBFSMP and Unplanned Emissions reports, SNTS reserves the right to comment on these updated documents.
- 3) SNTS stands by the assessment of Professor Christensen¹ that the current OBFSMP is not fit for purpose, and that a reasonable worst-case scenario has not been provided.
- 4) This same position applies to the assessment of Unplanned Emissions – that the assessments are incomplete and therefore do not provide a credible reasonable worst-case scenario, thus preventing an adequate assessment of the likely impacts. SNTS is aligned with the position of Dr Fordham and the councils on this matter.
- 5) SNTS further notes that the councils re-iterate the lack of a reasonable worst-case scenario in their most recent submissions (e.g. **REP7-074** response to ExA Q3.1.4), querying how this would enable the ExA to come to a conclusion about the proposals based on the Rochdale envelope principle. Indeed, the Applicant appears to confirm this lack of credible risk analysis in their statement in **REP7-056** pg 13:

"No credible detailed fire risk analysis, explosion risk analysis and hazard mitigation analysis for the Sunnica project could be produced without directly relating to a relevant BES battery system and container design."

- 6) SNTS notes that the Applicant also comments in **REP7-056**, page 11 that *"The suite of pollutants that may be released from a fire is highly dependent on the components of the batteries and it is not helpful or informative to speculate on the potential emissions when the battery is not yet known"*.
- 7) In other words, it appears that they do not consider an assessment of the likely emissions of merit. SNTS strongly disagrees with this. The Applicant should ensure that it has thoroughly reviewed the wealth of literature available (examples of which has been submitted into the Examination) to assess the potential

¹ Note regarding Professor Christensen: SNTS's battery safety expert, Professor Christensen, is currently on sabbatical leave. If SNTS receives any further from him which would assist the ExA we will submit this into the Examination.

emissions that may arise from the technologies they are proposing to use, regardless of whether these toxic emissions originate from the cells or other BESS components. They should be expected, at this stage, to be in a position to provide a credible reasonable worst-case scenario of likely risks and hazards and how these might be addressed.

- 8) Indeed, the Applicant declares in the **REP7-055** in response to a question about future BESS technology that *“Systems that will be available for Sunnica are currently in production or are undergoing testing and will be certified in 2023 or early 2024.”* (Response to ExA Q 3.1.1). This would indicate that the BESS systems available to Sunnica are already at a reasonably advanced stage.
- 9) As indicated previously, SNTS (along with Dr Fordham and the councils) is of the view that Hazardous Substances Consent (HSC) is almost certainly required for the battery storage.
- 10) The confusion and dilemma regarding the need for HSC (and COMAH regulation) is a direct result of the Applicant not having adequately considered this matter from the outset.
- 11) SNTS notes that the councils and Dr Fordham draw similar conclusions - that even if the Applicant does not intend to seek HSC as part of the DCO there is an obligation in footnote 94 to para 4.12.1 of NPS EN-1 to provide information in the DCO application (**REP7-074** WSC response to ExA Q3.1.7 and submissions by Dr Fordham including **REP2-082a** para 15). SNTS shares WSC’s concerns about this situation and the lack of involvement from the HSE.
- 12) This lack of regard is further exemplified by the Applicant not heeding the early (pre-application) advice of the HSE relating to the potential requirement of HSC. This was dismissed by the Applicant as a *“generic comment and not considered to be relevant to this project as no hazardous materials are expected”* (**REP2-025** Chapter 16 Other Environmental Topics).
- 13) Further examples include: the Applicant continuing to develop its battery proposals ‘on the fly’ and continuing to submit information into the Examination a little at a time, making it incredibly difficult for expert input and expert assessment, as well as general assessments by all Interested Parties.
- 14) The late submissions of the indicative BESS compound layouts are an example. The Applicant had indicative BESS compound layouts as early as March 2022 (as declared at the Red Lodge Parish Council Meeting held on March 9th 2022) and the printed maps that were eventually submitted into the Examination at Deadline 2, on 11th November 2022 (**REP2-033**) were dated 18th August 2022 and could potentially have been submitted sooner. Until Deadline 2, Interested Parties had very little information to form an idea of what these compounds might look like and how this might impact them.
- 15) Another example includes the limited details of the two proposed technology types provided at Deadline 2, with additional information now emerging at Deadline 7 regarding the designs on which these technology types were based (designs by Sungrow and Tesla, as declared by the Applicant in response to ExA Q3.1.8). It is unclear why this additional, and helpful, detail was not reflected in the OBFSMP at Deadline 2 which would have allowed assessment at the time from SNTS’s battery safety expert Professor Paul Christensen. Unfortunately, Professor Christensen has been unable to comment further in time for the present Deadline 8 as he is on a sabbatical.
- 16) Nor is it clear why the OBFSMP has not subsequently been updated with this detail. Interested Parties are having to gather detail about the BESS from multiple documents, references within references, when these really ought to be in one place.
- 17) A further example is the water requirements for the BESS. On the one hand submissions by SNTS (Professor Christensen), as well as the councils and Dr Fordham have all indicated that the Applicant’s proposed water requirements have likely been underestimated. The OBFSMP has discrepancies at Table 6, line items 15, 26 and 27 where minimum flow rates of 1500 l/min and also 1900 l/min are mentioned but it is not clear which rate the Applicant seeks to achieve.

- 18) Now, at Deadline 7 the Applicant states that water proposals indicated in the OBFSMP are “*minimum requirements*” from the FRS (**REP7-056**, page 16). Whilst SNTS welcomes the apparent acknowledgment that the water volumes indicated thus far may require adjustment, this is not reflected in the OBFSMP at RMM19. It is also in direct contrast to the Scheme Description (**REP2-023** page 3-11) in which “*The Water storage volume per BESS Compound*” is provided as a “*Maximum of 242.5m³*.” This is also noted in Ch 16 Other Environmental Topics (REP2-025). All of these documents require clarification and correction.
- 19) As stated previously by SNTS, implications for additional water requirements and bunding (and any other necessary safety provisions) are likely to have a bearing on visual and spatial requirements of the BESS compounds, which would require further assessment.
- 20) These are just a few examples of inconsistencies and discrepancies in the materials provided and where clarification and timely submission is needed to enable proper and fair expert review. At this late stage of the Examination, having this lack of clarity is unfair and unacceptable.
- 21) Regarding emergency response, SNTS notes the ExA Q3.1.11 part ii) asks: “*How can those likely to be affected by major accidents and disasters have confidence in the final plans which will be agreed post consent?*” The answer is simple – they cannot be confident, based on the improvisational development approach being adopted by the Applicant and the poor choice of location for the BESS compounds (noting also that in contrast to the draft NFCC Grid Scale Battery Energy Storage System planning guidance, page 68 of **REP7-056**, there is a suggested requirement for occupied buildings close to BESS to be upwind. This is not the case for some of the Sunnica BESS compounds and shows that the location choices have not been suitably considered and may not necessarily allow safety to be ‘designed in’).
- 22) Moreover, the vast majority of Interested parties, including locals with considerable knowledge of battery safety, would unlikely have the opportunity to further comment on the safety measures or responses post consent.
- 23) SNTS notes the incongruity between the response to the ExA Q3.1.3 when asked about the possibility of “fixing the design” to which the Applicant commented that BESS was a “*fast-evolving technology*” which prevented this, and their response to an earlier question on future BESS designs in which they indicated that the BESS designs available to Sunnica were at a reasonably advance stage (see para 8 above)
- 24) SNTS welcomes the Applicant’s Deadline 7 submissions relating to the explosion potential of the BESS which, according to Professor Christensen, had been absent from the BESS accidents/hazards set out in Ch 16 Other Environmental Topics (e.g. **REP2-025**, section starting 16.5.23). SNTS requests clarification of how these explosion mitigation measures taken from the literature (and also having regard to the Sunnica fire safety team’s work in this field) would likely be applied to the Sunnica proposals and would recommend that the OBFSMP is updated accordingly. In addition, SNTS requests that ‘explosion’ should be included in Ch 16 Other Environmental Topics, section 16.5, since this is a known accident/hazard. These proposals may then be properly reviewed and assessed.
- 25) Clarification is sought on the Applicant’s response to ‘Points covering COMAH and HSC requirements’ in **REP7-056**. They refer to a response in **REP5-093** pg 66-73. However, this submission reference is a paper by Dr Fordham, and there are no pages 66-73.
- 26) Finally, SNTS also seeks clarification on the position of the HSE regarding battery safety, noting that their response to the Applicant indicates they will review the OBFSMP once an indication of quantities of hazardous substances have been provided (Appendix B, REP7-056) but that the HSE has subsequently asked the ExA not be included in the assessment of the Applicant’s battery fire safety management plans (**REP7-112**). This is surprising, and somewhat concerning, given their statutory role in light of their “knowledge on major accident hazards.”

Appendix G

SNTS Comments on Deadline 7 Submissions – PROW and Consultation

This note is in response to the following documents:

REP7-056 Document 8.96 Applicant's response to Other Parties Deadline 6 Submissions

REP7-055 Document 8.95 Applicant's response to the ExA's Third Written Questions

REP7-074 Councils joint answers to Examining Authority's Questions 3 (ExQ3)

REP7-075 Fordham (Cambs) Walking Group - Responses to Examining Authority's Third Written Questions

REP7-091 CCC Deadline 7 Submission - Comments on the Applicant's Deadline 6 Submissions and Additional Submissions

1. SNTS has made submissions on the impacts of the scheme on PROWs and Socio-Economics previously, including the most recent submissions at **REP6-074** and **REP7-076**.
2. Concerns outlined in detail previously still remain and will not be repeated, save to say that the negative impacts on users of PROW and other routes routinely used by local people have not been adequately assessed, in particular from a noise and visual perspective, nor from the perspective of all users of these routes (e.g. horse riders).
3. Because of the lack of adequate assessment and understanding of how local routes are used and enjoyed, the mitigation measures are inadequate and inappropriate in some areas (such as routes around E05, PROW 204/5 to name just two). In other areas mitigation cannot be achieved at all (e.g. the Limekilns).
4. SNTS shares the doubts expressed by Fordham (Cambs) Walking Group (FCWG, **REP7-075**) about the Applicant's claim to have "*worked collaboratively with stakeholders to allow the design [to inform the design process for PROW] to be informed by local knowledge and expertise*" as well as their view that the design process has simply come about too late. Permissive routes and accommodation of existing routes should have been designed into the scheme from the outset.
5. SNTS remains in agreement with points made by FCWG, the councils and the many local users regarding the adverse impact on the routes that are highly valued and well used by the local community, as well as visitors to the area. SNTS agrees with their conclusions that the Applicant appears to be in denial that the scheme will create an industrialised landscape and will have a negative impact on their mental health and wellbeing.
6. SNTS notes and fully agrees with the councils that the Applicant's plans do not accord with their own Rights of Way Improvement Plans (ROWIP), which include commitments to "*protect the network from adverse impacts from new developments*" (SCC Green Access Strategy, **REP1-024g**, pg 26).

7. Nor the Statement of Action number 8 of CCC's ROWIP which seeks to create "a better countryside environment" and the overall position that "if being in the countryside is not a pleasant experience, then countryside access is unlikely to be popular" (**REP1-024h**, pg 22).
8. The proposed scheme cannot claim to create a pleasant countryside experience, since a significant part of the local area would no longer be 'countryside' (in a rural sense). Access to this 'non-countryside' experience is therefore also unlikely to be popular; this is something that was commented on by numerous residents in the Relevant Representations and at the Open Floor Hearings.
9. SNTS notes that WSC's policy on developments which

"would adversely affect the character of, or result in the loss of existing or proposed rights of way, will not be permitted unless alternative provision or diversions can be arranged which are at least as attractive, safe and convenient for public use. This will apply to rights of way for pedestrian, cyclist, or horse rider use"

also requires that alternative provisions should match the existing offerings from a visual, safety and access perspective. The permissive routes offered by Sunnica fail to meet this standard.

10. The Applicant suggests in **REP7-056** (pg 6) that no evidence has been presented regarding harm to relationships and communities if people avoid or cease to travel between the villages as a result of the scheme. This is incorrect, as can be seen by the many representations from local residents and parish councils who describe how they value local routes for socialising, as well as exercise, recreation, nature and commuting, how they would have to look elsewhere to do this if the scheme went ahead, how their regular routes would become less safe (and therefore less useable) and how some consider moving from the area as a result of this scheme (examples can be found in Red Lodge PC **REP2-223**, Freckenham PC **REP2-139**, Will O'Dwyer **REP2-261**, Richard and Tracy Minshull **REP2-224**, Sam Lee-McCloud **REP2-235** and **REP4-119**, Isabel Cross **REP2-452**, Justin Fuga **REP4-108**, Julia O'Dwyer **REP2-170** to name a few).
11. SNTS notes that SCC shares the concern about harm to relationships, as indicated at ISH3 where the scheme was described as "severing communities" and where SCC also went on to say that because of the sparse right of way network in this area, even a "severance of one route means a severance of someone's daily walk or exercise" (Clare Dickson, SCC comments at **ISH3**, approximately 1hr 51 and 1 hr 59 mins).
12. Indeed, the Applicant accepts that during construction,

"disruption to NMU facilities is likely to lead to some severance between communities within the study area as NMUs are required to travel further to move between these communities" and that "the Scheme is assessed to have a negative health impact on social cohesion and lifetime neighbourhoods"

(ES Ch 15 Human Health). SNTS is of the view that this severance is likely to last beyond the construction period due to the loss of visual amenity, noise impacts and the perception of increased danger as a result of traffic, BESS and other industrial infrastructure.

13. It should also be noted that the feeling of severance, of being isolated from friends and family in neighbouring communities, would also arise from some of the mitigation measures and infrastructure that would prevent views across the landscape to nearby towns and villages, as exemplified in previous submissions from SNTS, as well as numerous local residents and parish councils.
14. SNTS disagrees with the Applicant's claim on pg 50 of **REP7-056** that "*there will be no operational adverse impacts on public rights of way*" as this does not take into account the longer term visual and noise impacts, nor the fact that mitigation measures (where/if successful) would take a long time to establish, as has been outlined in previous submissions. As CCC comment in **REP7-091**, 15 years or so for mitigation planting to mature is practically an entire childhood.
15. Further, SNTS disagrees with the Applicant's later statement on pg 51 that there will be minor beneficial effects from the permissive routes, for the reasons cited previously.
16. It is noteworthy that the assessments in the Human Health section (Ch 15 of the ES) referred to in **REP7-056** have a number of omissions, including lack of acknowledgment of the travelling community at Elms Road as being close receptors to East B and lack of consideration of other routes used for recreation purposes. The same applies to Ch 11 on Noise and Vibration in the ES which lacks consideration of noise impacts on users of PROWs (including horses/riders) as well as on NMUs of other routes that are not 'official' PROW, despite NMUs now being acknowledged by the Applicant as noise sensitive receptors (in response to ExA Q3.9.10, **REP7-055**).
17. As outlined in our previous representations (e.g. **REP6-074** and **REP7-076**), SNTS strongly disagrees with the Applicant's unevicenced position that noise impacts on users of PROW and other recreational routes are 'transient' (as is also disputed by the councils, and reiterated again by CCC in **REP7-091**).
18. Noise impacts as a user moves along a route will also accumulate, along with adverse visual impacts. The combined cumulative impact of passing through a visibly industrial area, together with associated industrial noises, would exacerbate the unpleasantness of transiting through it. Residents speak to one of the greatest pleasures (particularly for users of the U6006), is the feeling of being in nature and listening to various bird calls, etc. What is currently a much valued tranquil, rural area would be no more.
19. That the ES conclusions are that "*there are no significant residual effects related to NMU users as a result of the Scheme*" are perhaps not surprising, given the underlying flaws with the Applicant's assessment.
20. SNTS respectfully questions and disagrees with the local benefits/ local legacy described by the Applicant in response to the ExA Q3.0.5 (**REP7-055**). One example being "Increased Access." For the reasons set out in our previous submissions on PROW (**REP6-074**, **REP7-076**), SNTS rejects the Applicant's position that the

permissive routes enable “*increased public access across the landscape of the local area*” and that they “*respond positively to local Green Infrastructure Strategies.*” Amongst other reasons, these routes are confined to small parts of East A and East B, do not connect to villages and offer little over and above what is in place already. In all cases they would be industrialised and considerably less enjoyable routes.

21. SNTS notes that similar concerns regarding PROWs and lack of connection to settlements and negative visual and noise impacts deterring users from accessing their local area are shared by the councils (as exemplified by comments made at ISH3, including those cited above, and various written submissions including the recent **REP7-091** from CCC). SNTS is in agreement with these comments, as well as those outlined by FCWG in **REP7-097**.
22. Finally, there appear to be inconsistencies with the numbers of permissive routes in **REP7-056** (where three routes are mentioned on pg 47) and in response to the Examiner’s Q3.9.11 **REP7-055** (where the Applicant talks of four permissive paths). SNTS requests that these be checked and clarified.
23. On the topic of consultation (**REP7-056**, pages 25-27) the Applicant has repeated its case with little new information. SNTS does not propose to go back over its previous submissions on consultation and invites the ExA to consider the competing positions.

Appendix H

Landscape Briefing Note 19

Project: 1186 Sunnica PVD
Date: 13th March 2023
Purpose: Summary of issues
Reference: 1186 BN19 Sunnica PVD Deadline 8 Summary.docx

1. This note has been prepared on behalf of Say No To Sunnica (SNTS). It provides a summary of key landscape and visual issues raised in our review of the application and during the examination, specifically:
 - Key information not provided by the applicant.
 - Key conclusions reached by the applicant which are disputed.
 - Where the proposals are inconsistent with policy on landscape matters.

Key information not provided by the applicant

- **Insufficient number of photomontages.** Photomontages from additional viewpoints, including sensitive locations such as PRoW 204/1 and Chippenham Road should have been provided by the applicant. Our review of the application [REP2-240b] highlighted the low number of photomontages (12) relative to the scale of the order limits (1,000ha), and the fact that photomontages from key locations such as PRoW 204/1 and Chippenham Road were missing. As a consequence of the applicant's decisions on photomontages, the proposed changes have only been depicted at a low number of viewpoints, and this has led to a distorted impression of the level of change that will occur across the landscape. In reality significant changes will be visible at a higher number of viewpoints than those for which the applicant has prepared photomontages.
- **No assessment of the impacts at Year 15 in winter.** The applicant should have included an assessment of the impacts of the development at year 15 in winter within their Environmental Statement (LVIA). The failure to assess the proposals at year 15 in winter has undermined the applicant's conclusions regarding long-term landscape and visual effects because all are based on a best-case summertime scenario and are biased towards an unrealistic outcome. This issue was raised in our review of the application [REP2-240b], during ISH2, and our Landscape Briefing Note 12 [REP6-074].

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- **No photomontages showing the impacts at Year 15 in winter.** The applicant should have provided photomontages which showed what the impacts would look like when the mitigation planting, and existing vegetation, was not in leaf during winter in year 15. Having chosen not to show what the development would look like during winter in year 15 the applicant has failed to follow best practice guidance in relation to the presentation of visualisations¹. As a consequence of this decision, the ExA, LPAs, public, and other interested parties have not received visualisations which show the level of impact in the longer-term. This is a significant omission given the level of public interest in the effects of the proposals. This issue was raised in our review of the application [REP2-240b], during ISH2, our Landscape Briefing Note 12 [REP6-074], and in our response to Question 3.7.2 of the Examining Authority’s third written questions and requests for information (ExQ3) [REP7-076].
 - **Presentation issues with photomontages.** The applicant should have provided updated photomontages to correct the presentational issues highlighted during ASI 2, at ISH2, and in our Landscape Briefing Note 10 [REP4-121]. The applicant’s photomontages in Figure 10-90 [APP-220] to Figure 10-102 [APP-232] underestimate the scale of the proposals when printed at the intended paper size (A1). When comparing the printed visualisations with views on the ground, it is evident that the photomontages depict a smaller scale version of the proposed development than what would appear in reality. This means that the photomontages cannot be relied upon to provide an accurate representation of the development proposals as they underestimate the level of change that is proposed.
 - **Incomplete assessment of landscape value.** The applicant should have updated their Environmental Statement (LVIA) to include a complete assessment of landscape value. As highlighted in our review of the application [REP2-240b], during ISH2, and our Landscape Briefing Note 14 [REP6-074] the applicant’s assessment of landscape value omitted best practice criteria². In not considering certain factors (e.g., cultural heritage factors & functional factors) and failing to adequately consider others (e.g., associations), the applicant has underestimated the value of the landscape, and this has led to their underestimation of the impacts of the development, notably in relation to the landscape around Sunnica West which includes the Limekilns and Chippenham Park.

¹ TGN 06/19 Visual Representation of Development Proposals Page 5

² TGN 02/21 Assessing landscape value outside national designations

Key conclusions reached by the applicant which are disputed

- **Scale of proposals.** For the reasons set out in our review of the application [REP2-240b], we strongly disagree with the applicant's assertion in REP5-056 that '*a reduction in the scale of the Scheme is not required in order to make it acceptable in landscape terms*'. Instead, we agree with the Councils' conclusion in REP1-024 that the landscape and visual amenity impacts generated by the proposals relate fundamentally to the nature and location of the proposals, and therefore these impacts '*are unlikely to be capable of being dealt with without significant revision of the proposal to remove parts of the scheme in the most sensitive areas*'³. See our Landscape Briefing Note 14 for further information [REP6-074].
- **Design Process.** In various submissions the applicant has stated that their LVIA informed the design process (e.g., their answer to Q2.0.11 [REP5-056]). Crucially, however, a LVIA did not inform the site selection process, which we and the Councils both conclude was flawed. Good design fundamentally relies on making sound decisions on location and a landscape appraisal should inform such decisions. This is because it is very difficult and, in some cases, impossible to adequately mitigate landscape harm that arises out of location (e.g., the harm arising out of Sunnica West A and parcels within Sunnica East A). See our Landscape Briefing Note 15 for further information [REP7-084].
- **Dispersal of development sites.** Although the applicant refers to 4 development sites within their LVIA, these sites are fragmented and several of the development areas have parts that are physically detached and separated by substantial distances or by the A11 e.g., W15. In reality there are seven (six minus West B) separate development sites. The applicant's failure to properly assess the consequences of the fragmented dispersal of developments sites has led to their underestimation of the cumulative landscape and visual effects. Because of this dispersal, the development will generate significant cumulative impacts with itself via a repeated awareness of electrical development across the landscape. This awareness will be experienced by people travelling between different settlements and visiting different locations in the landscape both on single journeys and multiple visits over time. See REP2-240b for further information.

³ Joint Local Impact Report October 2022 Paragraph 1.1 (third bullet) [REP1-024]

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- **Value of the Limekilns.** A key disagreement between SNTS and the applicant relates to the value of the Limekilns. In particular, we dispute the applicant’s assertion in **REP5-057** that the Limekilns cannot be highly valued when assessed against the criteria in TGN 02/21. The high value of the Limekilns is evidenced in SNTS’s previous submissions, including in our assessment against the TGN 02/21 criteria [**REP2-240b**]. In not considering certain factors and failing to adequately consider others, the applicant has underestimated the value of the Limekilns, which they conclude has medium value. Their conclusion has led to an underestimation of the significance of the effect on the Limekilns. Our assessment based on the available evidence is that the Limekilns has high value and is a NPPF Para 174 valued landscape. Being part of the same landscape in which Sunnica West A is located, the Limekilns would experience a major adverse effect as a result of the proposed development and this effect will not reduce in the long term. See **REP2-240b** and our Landscape Briefing Note 14 for further information [**REP6-074**].
 - **Views from the Limekilns.** We strongly disagree with the applicant’s assertion in **REP5-058** that ‘*fundamentally a view of a solar farm is not going to diminish enjoyment of the Limekilns as a landscape*’. In combination with the applicant’s failure to accurately assess the value of the Limekilns, this statement explains why the applicant considers that the impacts of Sunnica West A on the Limekilns are acceptable, whilst we and the Councils do not. Evidently a view of a solar farm can impact on the enjoyment of a landscape, particularly, when enjoyment of that landscape is at least partly derived from its rural setting and views. This is the case with the Limekilns, where elevated views over the countryside to the north are particularly valued. Furthermore, it is not just one view of a solar farm. The proposals would be visible throughout the Limekilns, and at elevated viewpoints the substantial scale of West A would be visible across a wide field of view, such that one would have to turn one’s head in order to take it all in. See Figures 13-19 in our review of the application for evidence of this fact [**REP2-240b**].
 - **Direct effects on Limekilns.** The applicant’s assertion at ISH2, that there would be no direct effects on the Limekilns is not accepted. As explained at ISH2, whilst there would not be a physical change to the fabric of the Gallops, changes within the setting of the Gallops would result in a direct effect on the character of the Gallops. A ‘direct effect’ is defined in the glossary of the Guidelines for Landscape and Visual Assessment, 2013 (GLVIA3) as ‘*An effect that is directly attributable to the proposed development*’. Therefore, an effect on the landscape character of the Limekilns, caused by development within its setting, should be considered as a direct effect of

the proposals on the Limekilns for the purposes of assessing the proposed development. See our Landscape Briefing Note 10 for further information [REP4-121]. Also, as set out in Landscape Briefing Note 18 (to be submitted at Deadline 8), the following factors are intrinsically linked to views from the Limekilns and contribute to its high value, as outlined in REP6-074. They would all be harmed by visibility of development within Sunnica West:

- The association with Chippenham Park Estate which is visible within the landscape setting of the Limekilns.
- The conservation of the wider rural landscape setting to the Limekilns which has featured in a range of historic paintings that depict equestrian activities on the Limekilns and the rural landscape setting to the Limekilns.
- The views from the Limekilns which have considerable scenic qualities due to the elevation and which are enjoyed by people using the permissive access to the Gallops throughout the winter and after midday in the summer.

Furthermore, whilst the proposals wouldn't alter factors such as the quality of the grass gallops, they would have an adverse impact on the experience of the gallops by people who have travelled to the Limekilns on account of its 300 year association with the horse racing industry and its reputation as one of the best grass gallops in the world.

- **Relationship between Limekilns and Chippenham Park.** The applicant's assertion at ISH2 that the order limits and the Limekilns are in different landscapes is not accepted. As explained during ISH2, Sunnica West A and the Limekilns are located in the same chalkland landscape type in published landscape character assessments at a national, regional, and county level. Emphasising the fact that these areas are in reality part of the same landscape, is the fact that historically the Limekilns and Sunnica West A were once both part of the same Estate (Chippenham Park). Arbitrarily dividing the landscape and assessing the Limekilns as a separate receptor to Sunnica West A, has contributed to the applicant's underestimation of the effects on the Limekilns. The applicant concludes the Limekilns would experience a minor adverse effect at years 1 and 15. Our assessment finds that the effect will be major adverse at years 1 & 15). See REP2-240b and our Landscape Briefing Note 10 for further information [REP4-121].

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- **Mitigation** - In general, the applicant has overestimated the effectiveness of mitigation measures, and this together with other factors (e.g., a lack of winter assessment) has contributed to an underestimation of the effects reported in the applicant's LVIA. For example, in relation to Sunnica East A, the applicant claims in **REP3A-035** that siting the BESS next to Lee Farm will mean its massing and land uses are perceived in the context of existing infrastructure. We dispute this because Lee Farm is an isolated farm in the countryside not 'infrastructure'. Its buildings are typical of a rural farm in both scale and number. Having overestimated the ability for Lee Farm to mitigate the scale of development proposed, the applicant has underestimated the overall effect on the local landscape, which they conclude would be minor adverse at Years 1 & 15. Our assessment finds the effect would be moderate/major adverse at Years 1 & 15. This is in part due to the fact that the BESS development would not be seen as a logical extension of the farm, but an incongruous development in the open countryside. See **REP2-240b** for further information.
 - **Mitigation around E05.** Woodland planting will not reinforce existing vegetation patterns around E05, as asserted by the applicant in **REP5-058** because existing vegetation consists of occasional roadside trees and clumps of hedgerow. The prevailing character within E05 is of an open landscape without significant vegetation. The woodland planting that is proposed would instead create new patterns within the landscape. See our Landscape Briefing Note 14 for further information [**REP6-074**].
 - **Mitigation around E05.** The openness of existing views along Beck Road and Sheldrick's Road will not be preserved by setting the panels back in E05, as is claimed by the applicant in **REP5-058**. The applicant's visualisations from viewpoints 5 & 11 on Beck Road [**Ref APP-221**] illustrate their intention for planting to establish a belt of screening in the summer months blocking views to the landscape beyond. The applicant's judgement that the sense of openness would be preserved has contributed to their underestimation of the landscape impacts around Isleham.
 - **Mitigation around E05.** The applicant's claim in **REP4-036** that, from Isleham, mitigation planting will preserve views across the site to the wooded skyline and the church towers at Mildenhall and Freckenham is not accepted. As shown on the applicant's visualisation from viewpoint 5 on Beck Road [**APP-221**], which is the closest viewpoint to Isleham, the mitigation planting would obscure all features currently visible on the horizon. This planting would not be effective in integrating the scheme into the landscape as stated by the applicant but would instead represent

the type of planting which would *'introduce inappropriate and visually intrusive elements in this flat and open landscape'* a problem identified in the national character area profile⁴.

- Implications of the applicant's comments relating to mitigation around E05 are:
 - i. The applicant has failed to accurately describe the changes that would occur as a result of their proposals for mitigation.
 - ii. The applicant has failed to recognise the inappropriateness of their proposals for mitigation in the context of the prevailing landscape character.
 - iii. The applicant has failed to assess the effect on landscape character and visual amenity of their proposals for mitigation.
 - iv. The applicant has overestimated the ability for their mitigation proposals to be effective in integrating the scheme into the landscape around Isleham.

⁴ National Character Area Profile 46: The Fens Page 38.

Where the proposals are inconsistent with policy on landscape matters

Overarching National Policy Statement for Energy (EN-1)

2. The development is not consistent with the following landscape considerations in the Overarching National Policy Statement for Energy (EN-1):
- **Paragraph 5.9.8.** EN-1 stresses the importance of minimising landscape harm through careful siting decisions⁵. In many cases it is possible for the landscape and visual harm of PV and BESS development to be minimised when located carefully, considering the relative sensitivity of different landscape and visual receptors. However, in the case of the proposals, the landscape and visual harm has been exacerbated by the applicant's decisions on location. This is because their decisions were not informed by landscape and visual criteria and therefore sensitive receptors such as the Limekilns and the open landscape around Isleham were ignored.
 - **Paragraph 4.5.1.** Due to the location of the development in highly sensitive locations, the landscape and visual harm of the scheme cannot be minimised. Indeed, in an attempt to minimise the harm, the proposals for mitigation conflict with the general objective in EN-1 for infrastructure to be '*sensitive to place*'⁶. For example, attempting to mitigate the impact on the open landscape, especially south and east of Isleham with woodland or other types of screen planting, would itself harm the openness of this landscape, which is an intrinsic characteristic and fundamental to local identity.

National Planning Policy Framework (NPPF)

3. The development is not consistent with the following landscape considerations in the NPPF:
- **Paragraph 174(a).** When considered against the range of factors that help to identify landscape value outside of national designations (i.e., factors in TGN 02/21), the landscape in which Sunnica West A is located must be a valued landscape for the purposes of NPPF Paragraph 174(a). Development in Sunnica West A would harm factors within the landscape that are valued, including the scenic qualities of the Limekilns and the coherent landscape setting to Chippenham Park. Because of the impacts on this valued landscape, the proposals conflict with NPPF Para 174(a).

⁵ Overarching National Policy Statement for Energy (EN-1) Paragraph 5.9.8

⁶ Overarching National Policy Statement for Energy (EN-1) Paragraph 4.5.1

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- **Paragraph 174(b).** The applicant has not applied principles of ‘good design’ as sought by NPS EN-1 Paragraph 4.5.1 and as a consequence, the proposals do not recognise the intrinsic character and beauty of the countryside in which they are located and would not contribute to nor enhance the natural and local environment contrary to NPPF Para 174(b).
 - **Paragraph 8c.** As a consequence of its impact on the historic landscape comprising Chippenham Park and the Limekilns, the proposed development would not protect or enhance the natural or historic environment.

Development Plan - West Suffolk Council

4. **Policy DM13.** Due to its dispersed location and overall scale, the development would result in significant long-term harm to the character of the landscape, including the setting of settlements such as Worlington. It would fail to protect or enhance the character of the landscape, which is intrinsically rural, and is therefore not consistent with Policy DM13.

Development Plan - East Cambridgeshire District Council

5. **Policy ENV1.** The development is not consistent with Policy ENV1 as, due to its location and scale, it would fail to protect, conserve, or enhance the unspoilt nature and tranquillity of the area, particularly in the countryside around Snailwell and Chippenham.

End of Note.

Appendix I

Say No To Sunnica:

Heritage Summary of Case

Dr Richard Hoggett FSA MCIfA

1 Introduction

- 1.1 As the Examination draws to a close, this document sets out Say No To Sunnica's summary of case concerning the heritage impact of the proposed development of the Sunnica Energy Farm. The heritage impacts summarised here have been consistently identified by SNTS throughout the examination process, in particular in my Heritage Assessment prepared for Say No To Sunnica and submitted at Deadline 2 [REP2-240c], and have formed the subject of subsequent oral and written submissions [REP4-121, REP6-074, REP7-084]. This is provided to assist the Examining Authority in writing its report to the Secretary of State; it does not replace or supersede those submissions SNTS has provided previously, which include much more detail on all of these issues.

2 Heritage Assessment

- 2.1 The DCO application is supported by a Cultural Heritage Assessment which was submitted by the Applicant as Chapter 7 of the Environmental Statement [APP-039]. SNTS offered a detailed critique of this document in our Deadline 2 Written Representation [REP2-240c], but a number of key points are summarised here.
- 2.2 As was highlighted by the Examining Authority in their First Written Questions [PD-017], the Applicant does not set out in detail the methodology which they have applied when assessing the significance of heritage assets or the contribution which setting makes to their significance. As was discussed in ISH2, the criteria for determining the value of heritage assets are set out in Table 7-1 of the Environmental Statement [APP-039]. Here, heritage assets are ascribed a value of 'High', 'Medium', 'Low' or 'Very Low'. There is no corresponding category of 'Very High', and we contend that this results in a skewing of assessments towards the lower end of the 'value' scale. Similarly, the criteria for determining the magnitude of impact on heritage assets set out in Table 7-2 of the Environmental Statement also adopts a 'High', 'Medium', 'Low' and 'Very Low' scale, again resulting in a skewing of assessments towards the lower end of the 'impact' scale.
- 2.3 The matrix used to assess the significance of effect upon heritage assets is not included in the Cultural Heritage chapter of the Environmental Statement, but is instead cross-referenced to the generic example of such a matrix presented in Chapter 5 of the Environmental Statement [APP-037]. There are also instances where this matrix has been inconsistently applied, for example at paragraph 7.7.2 of the Environmental Statement [APP-039] the applicant identifies a 'low' impact on a 'high' value heritage asset as having a 'minor' significance of effect. The matrix indicates this to be a 'moderate' effect, and this is the conclusion reached in other places in the report when different assets are considered.
- 2.4 No aerial photographic assessment of the proposed development area was undertaken as part of the application process, with Covid restrictions cited as the main reason for this (APP-039: para. 7.2.4). However, it was possible for a parallel aerial photographic assessment of the area to be undertaken on behalf of Historic England during the same period, which

resulted in the identification and recording of the Isleham aircraft crash site amongst other features.

- 2.5 Other shortcomings of the submitted Cultural Heritage Assessment include the fact that there is no consideration of the heritage of the Newmarket horse-racing industry evident in the landscape surrounding the DCA application area. The Applicant's original assessment of the historical significance of Chippenham Park and its environs was also limited, prompting the ExA to request further information in ISH2, which included historical mapping of the park [REP4-031] and an updated report on the current status of heritage aspects of the RPG [REP5-060]. This information should have formed part of the baseline survey. Given these omissions, it is difficult to conclude that the submitted documents provide a comprehensive assessment of the baseline heritage of the proposed development area. Likewise, it is difficult to be confident of the identified heritage impacts and the efficacy of the mitigation strategies derived from this baseline.

3 Scheduled Barrows

- 3.1 The Sunnica Energy Farm will impact upon a scheduled group of four prehistoric burial barrows located entirely within the Sunnica West Site A and other scheduled barrows located nearby. These barrows form part of the wider Chippenham Barrow cemetery. As Scheduled Monuments, individually each of these barrows is of the highest heritage value, and the fact that so many individual elements of the barrow cemetery survive gives the group a high collective value, too. Their significance is derived from the archaeological remains of each feature, but is also related to their group value as interconnected sites. Such barrows were deliberately located within the landscape and their landscape setting also contributes towards their significance.
- 3.2 Although part of W09 remains undeveloped due to the presence of Scheduled barrows, we maintain that the development of the immediate environs will impact upon the setting of the Scheduled barrows within and surrounding the site, together with other archaeological examples which belong to the same cemetery group. This will result in harm to their significance. There are also concerns surrounding what happens to these sites once the 40 years' operation of the site ends and the site reverts to agricultural land.
- 3.3 The development of the scheme will result in a dramatic change in the landscape character of these barrows, which will result in harm to their significance. The Applicant acknowledges that this is a significant detrimental effect, although SNTS consider that the Applicant understates the impact which the development of the scheme will have. In planning terms, this represents 'less than substantial harm' at the upper end of the scale. As highly graded designated heritage assets, 'great weight' needs to be given to this harm during the application of the planning balance.

4 Chippenham Park Registered Park and Garden

- 4.1 The proposed development will have a detrimental impact upon the Grade II Chippenham Hall Registered Park and Garden (RPG), the majority of which lies immediately to the north of the Sunnica West Site A. A 3km avenue extends southwards from the main body of the RPG and is traversed by the Sunnica West Site A area. The significance of the RPG is derived from the park itself and the listed buildings within it, but is also derived from the surrounding agricultural landscape within which it is situated. The avenue, in particular, was deliberately constructed in order to facilitate views of the park within the surrounding

landscape as one approached or left the park, and this was experienced first-hand during ASI3 and ASI4.

- 4.2 As noted above, the Applicant's original assessment of the historical significance of Chippenham Park and its environs was insubstantial, prompting the ExA to request further information in ISH2, which included historical mapping of the park [REP4-031] and an updated report on the current status of heritage aspects of the RPG [REP5-060]. Ultimately, the Applicant describes the avenue as 'a feature of lesser historic significance contributing little to the overall significance of the designated asset' (REP5-060, para. 1.4.9), which SNTS consider reflects a lack of understanding and recognition of the avenue and greatly underplays its significance as a feature and the contribution which it makes to the significance of the RPG.
- 4.3 All parties agree that the proposed development will have a significant impact upon the landscape character of the surrounding agricultural landscape which forms the setting of the RPG. The Applicant concludes that, even after the implementation of their mitigation scheme, the construction of the Sunnica West Site A will have a moderate adverse effect on this heritage asset [APP-039]. This is a significant effect, but SNTS consider that the impact is understated. We conclude that the change of landscape character caused by the development will result in a 'major adverse' significance of effect. In planning terms, this constitutes 'less than substantial harm' at the upper end of the scale. As highly graded designated heritage assets, 'great weight' needs to be given to this harm during the application of the planning balance. In this, we are in accordance with the opinion of the joint Councils, who have collectively set out their stance on this in their Statement of Common Ground with Sunnica [REP7-071].
- 4.4 The Applicant concludes that the development will have a very low impact on the setting of the Grade II* listed southern entrance lodges and triumphal arch, resulting in a minor adverse effect. The significance of these buildings is derived from their history and architecture, but also from their setting, which incorporates the avenue and the surrounding landscape. Given the significant change which development will bring to the character of this landscape, we consider that the scheme will result in a 'major adverse' significance of effect. In planning terms, the identified harm to the Grade II* listed lodges and triumphal arch represents 'less than substantial harm' at the upper end of the scale. As highly graded designated heritage assets, 'great weight' needs to be given to this harm during the application of the planning balance.
- 4.5 SNTS endorse the joint Councils' statement on parcel-by-parcel mitigation and residual effects [REP7-070]. In particular, SNTS endorse their opening statement that 'the Councils' primary position remains that this proposed development is unsuitable within the context of the historic landscape around Chippenham Park, and that the resulting effects are not capable of being sufficiently mitigated to be made acceptable.' SNTS support the Councils' proposed removal of parcels W04, W05, W06, W07, W08, W09, W10, W11 and W12 from the scheme on the grounds that 'this development is unsuitable for the historic landscape, and the resulting effects are not capable of being sufficiently mitigated to be made acceptable.' This same position has consistently been set out by SNTS throughout the examination process.

5 Limekilns Gallops

- 5.1 As is recognised by all parties, the proposed development will have an impact upon the heritage, ecology and landscape of the Limekilns Gallops. However, discussion of the Limekilns Gallops is almost entirely absent from the Applicant's Cultural Heritage Assessment [APP-039], as is an appreciation of the extent and historical significance of the wider racing landscape which surrounds Newmarket. The Limekilns have been actively used as gallops since at least the early 19th century and probably longer. Their heritage significance is derived from their deliberate creation and management, the longevity of their use and the fact that generations of horses have continued to be trained in much the same fashion and same location for centuries. Significance is also derived from the open and undeveloped landscape setting of the Limekilns Gallops. The additional significance of the Limekiln Gallops as the showcase and shop-window of the Newmarket Racing Industry and its significance to the landscape character of the area are explored by other expert witnesses instructed by Say No To Sunnica [REP2-039].
- 5.2 The Limekilns Gallops constitute significant features of the historic environment and should be considered to be a non-designated heritage asset. The close proximity of the southern boundary of the Sunnica West Site A to the Limekilns Gallops will have a detrimental impact upon their setting by transforming what is currently an open agricultural landscape to its north into the semi-industrialised landscape of the solar farm. SNTS conclude that the scheme will result in a 'moderate adverse' effect. This is a significant impact, and is one which by the Applicant's own admission cannot be mitigated by the proposed landscape management strategy. In planning terms, the identified harm constitutes 'less than substantial harm', which given the contribution setting makes to the significance of the Limekilns lies towards the middle of the scale.

6 Isleham Aircraft Crash site

- 6.1 The site where a military aircraft crashed on 13 October 1949, killing all 12 of the aircrew, is located within parcel E05 of the proposed Sunnica East Site A. Under the terms of the Protection of Military Remains Act 1986, the remains of all aircraft which crashed whilst in military service are considered controlled sites. It is an offence under this Act to tamper with, damage, move or unearth any items at such sites, unless the Ministry of Defence via the Joint Casualty and Compassionate Centre has issued a licence authorising such activity. The applicant has applied for a licence to develop the site and proposes only to leave the area of the immediate impact undeveloped, with their proposals set out in REP5-059 (Second Change Application), AS-317 and AS-318 (crash site exclusion plans), REP7-056 (Applicant's response to Other Parties D6 Submissions) and REP7-062 (crash site report). SNTS consider the crash site to be a non-designated heritage asset, and the historical significance of the crash site and its commemoration by the local population have been set out in numerous representations, including REP6-058 (Catherine Judkins), REP6-067 (Isleham Parish Council), REP6-068 (The Isleham Society), and also directly by SNTS (REP6-074).
- 6.2 The crash site was entirely overlooked in the Applicant's Cultural Heritage Assessment submitted as part of the Environmental Statement. As has been discussed in previous representations and at ISH2 [REP4-121], the site is well known locally and has been widely publicised during the last 70 years. The location of the crash site was added to the Cambridgeshire Historic Environment Record in 2021 as the result of an aerial photographic interpretation and mapping project undertaken on behalf of Historic England (CHER

MCB31260). The fact that the crash site was not identified in the Applicant's Heritage Assessment was a significant omission. Had the proposed aerial photographic assessment been undertaken by the Applicant, they, too, would have identified the site. It should also be remembered that, while the Applicant's geophysical survey indicated the presence of a large ferrous scatter surrounding the point of impact, which is itself still marked by a major area of magnetic disturbance, this was not recognised as the crash site or interpreted as such in any of the submitted documents. The crash site was only retrospectively recognised by the Applicant following its being brought to their attention by other interested parties, including SNTS and the other parties referenced above.

- 6.3 At several points in their representations (most recently REP7-056), the Applicant states that the extent of the crash site should be considered to be limited to the physical evidence of the crash crater. This limited definition is patently nonsensical and dramatically understates the true extent of the crash site. The dimensions of the impact crater depicted on the geophysical survey measure 15m x 10m, while the aircraft which crashed had a wingspan of 43m. As is noted by the Applicant in REP7-056, the aircraft started to break up in flight and 'parts of the aircraft wreckage were spread over several hundred metres as a result of the multiple explosions'. It is, therefore, disingenuous for the Applicant to limit their understanding of the extent of the site to the crater in this fashion.
- 6.4 Regarding the true extent of the crash site, the Applicant states in REP7-056 that it is 'difficult to determine the formal extent of what can be regarded as the crash site other than by the physical evidence of the crash crater'. This, again, is an absurd position and one that is at odds with the Applicant's own evidence. The Applicant's geophysical survey identified the presence of a large ferrous scatter, comprising material from the crash, measuring at least 85m x 55m surrounding the crater and SNTS contend that the extent of this scatter should be considered to be the minimum extent of the crash site. That the point of impact of the crash was identified as a large magnetic anomaly and that the surrounding area was identified as a ferrous debris scatter are both strongly suggestive that considerably more of the airframe survives on the site than the Applicant suggests.
- 6.5 SNTS note that the possible development of the crash site is still in part the subject of a licence application under the terms of the Protection of Military Remains Act, and that a decision has yet to be made by the Joint Casualty and Compassionate Centre. It is not clear whether this decision will be made before the close of the Examination and, again, had the Applicant identified the site at the appropriate time then this uncertainty could have been resolved prior to the submission of the DCO application. While SNTS welcome the Applicant's recognition of the significance of the crash site, and their willingness to commemorate the crash, we do not consider that their proposed 50m x 50m Archaeological Protection Area (AS-317) centred on the point of impact is adequate, as it barely covers the dimensions of the plane and certainly does not cover the large scatter of crash-related debris.
- 6.6 SNTS consider that as a minimum the Applicant's proposed 'Expanded Exclusion Area', comprising a 100m-radius circle around the crater site (AS-318), would be more appropriate irrespective of the outcome of the licence application on heritage-related grounds, but also for moral and ethical reasons, given the loss of life and the significance of the site to the local community. SNTS endorse the joint Councils' proposed removal of parcel E05 from the scheme, given the heritage significance of the Isleham aircraft crash site, and note that there

are a considerable number of other environmental factors which also indicate that this parcel should remain wholly or partially undeveloped [REP7-070].

7 Conclusions

- 7.1 The construction of the Sunnica Energy Farm will have a negative impact upon the significance of a number of designated and non-designated heritage assets, either directly or via changes to their settings. These impacts affect Scheduled Monuments, a Registered Park and Garden, several listed buildings, surrounding Conservation Areas, as well as the non-designated heritage assets of the Limekilns Gallops and the Isleham aircraft crash site. The scheme will also have a considerable impact upon the extensive archaeological deposits which survive within the proposed development area.
- 7.2 The Applicant's own assessment identifies that several of these impacts are of sufficient magnitude to be considered 'significant' and in many cases it is apparent that the Applicant's assessments understate the full extent of the impact. It is also apparent from the submitted documents that the Applicant does not consider their proposed landscape mitigation scheme will reduce the scale of this impact further. Although many changes have been made to the scheme since the DCO application was submitted, with the exception of the removal of Sunnica West A, very little has been done which materially affects the identified heritage impacts of the scheme.
- 7.3 In planning terms, the identified heritage impacts constitute 'less than substantial harm', in many instances at the upper end of the scale. Under existing planning legislation and policy it is required that this 'less than substantial harm' be weighed against the wider benefits of the DCO application. In doing so, 'great weight' should be given to the conservation of the heritage assets concerned, and the more important the assets, the greater that weight should be. Both the Applicant's own assessment and that undertaken for SNTS conclude that the development will result in multiple instances of adverse heritage impact, which cannot be mitigated. As such, considerable benefits will need to be demonstrated in order to justify the approval of a DCO application which will result in such high levels of harm to so many designated and non-designated heritage assets.
- 7.4 Given these heritage impacts, SNTS endorse the joint Councils' proposed removal of parcel E05 from the scheme and note that there are a considerable number of other environmental factors which also indicate that this parcel should remain wholly or partially undeveloped [REP7-070]. Likewise, SNTS endorse the Councils' proposed removal of parcels W04, W05, W06, W07, W08, W09, W10, W11 and W12 from the scheme on the grounds that 'this development is unsuitable for the historic landscape, and the resulting effects are not capable of being sufficiently mitigated to be made acceptable' [REP7-070]. This same position has consistently been set out by SNTS throughout the examination process.

Appendix J



BIOSCAN UK LIMITED FOR SAY NO TO SUNNICA

DEADLINE 8 SUBMISSIONS:

ECOLOGY AND NATURE CONSERVATION POSITION STATEMENT

1. This Deadline 8 position statement has been produced by Bioscan on behalf of Say No To Sunnica (SNTS). It sets out SNTS's position on ecology and nature conservation matters as at 13th March 2023, just under two weeks before the deadline for close of the Examination. Separate notes from Bioscan are being provided at Deadline 8 setting out SNTS's responses to relevant documents submitted by the applicant and others at Deadline 7 (3rd March 2023), and to update SNTS's position on Habitats Regulations matters and the RIES in light of Natural England's Deadline 7 response [[REP7-104](#)].
2. The Examining Authority will not need to have their attention drawn to the fact that with fifteen days of the Examination left to run, there are a significant number of matters on this topic area which have continuously been brought to theirs and the applicant's attention by Bioscan/SNTS¹, and which remain either wholly outstanding or subject to insufficient detail. They range from concerns around the robustness and adequacy of the information available to the Secretary of State in order for them to discharge their duties under the Habitats Regulations (for the latest on this see Bioscan/SNTS's updated Deadline 8 note on the RIES), through to ongoing concerns about the accuracy of the applicant's submitted assessments on matters of hedgerow and tree loss.
3. We attempt below to summarise the unresolved matters of highest concern to SNTS around this topic area at this stage. Reference should also be made to SNTS's updated note on the RIES. The comments below are not an exhaustive list but an attempt to summarise the main outstanding issues of most relevance to the decision-making process.

1) Persistent reliance on flawed or inadequate baseline information – habitats

4. The habitat surveys which form the foundation for the applicant's baselines for a) assessments of impact; b) calculation of Biodiversity Net Gain/Loss (BNG) figures and c) for other decision-making related to the design of the scheme and the volume and type of compensation delivery required, remain subject to high margins of error.
5. The ExA will be aware that Bioscan/SNTS have repeatedly provided evidence, firstly to the applicant in August 2022 in advance of the Examination [as evidenced by [REP2-240d](#), **Annex D**] and latterly to the examination itself², that has challenged the adequacy of the applicant's baseline information on habitats. The applicant has made no meaningful attempt to correct these errors. This means there remain serious concerns over the adequacy of the applicant's baseline on the distribution, extent and value of (in particular) scarce arable plant resources across the proposed order limits.
6. The Examining Authority will have noted that that where the applicant *has* correctly identified such resources, it has valued them at up to county importance (e.g. Fields W09 and E17&E18 are classed as county importance (Field AF11) and District importance (Fields AF17/AF18) respectively in [[APP-079](#)]). However, and despite these value judgments being a matter of

¹ See e.g. [REP3-026](#); [REP3A-051](#); [REP3A-063](#); [REP3A-069](#); [REP4-121](#); [REP6-074](#).

² See e.g. [REP3-026](#); [REP3A-051](#); [REP3A-063](#); [REP3A-069](#); [REP4-121](#); [REP6-074](#).



record, it has then chosen to consistently and unrepresentatively suppress the weight attached to such resources in its impact assessments. This is illustrated most clearly in its uncritical use of Excel calculator ‘tools’ for application of the Biodiversity Metrics that, for reasons of simplification, grade all arable land uniformly at the lowest possible measure of value as a default. In other words, the applicant has sought to rely on flawed methodology to override the actual reality of the baseline position.

7. This incongruity between the applicant’s acceptance of assemblages of arable plant assemblages in certain fields rated as of up to county importance, whilst simultaneously scoring these resources at the lowest possible level, has been a recurring theme throughout the examination. The applicant had an early opportunity to rectify its baseline when errors and misclassifications infecting it were brought to its attention in August 2022. However, despite the applicant initially responding, in September 2022, with an indication that it would duly seek to address these problems via further work [[REP2-240d, Annex D](#)] it has chosen instead to persistently rely upon demonstrably wrong assumptions based on default BNG scores. This incontrovertibly undermines the robustness of the applicant’s impact assessments, BNG outputs and indeed the applicant’s claims about overall impact from habitat losses and change. Even at Deadline 7, two weeks before the end of the Examination, it continues to obfuscate by refusing to reveal its revised BNG calculations [[REP7-042, Appendix D](#)], failing minimum best practice standards.
8. As a consequence of this, the Examining Authority is unsighted on whether the mitigation and compensation measures that are proposed in respect of habitat loss, in particular for scarce arable plant communities, provide a means to avoid net loss in simple quantitative terms, let alone in consideration of concerns around deliverability (see (3) below). To be still in this position at Deadline 8 of this Examination is a clear illustration of the applicant’s failure to properly engage with the mitigation hierarchy and its failure to meaningfully engage with changes that would undoubtedly improve the ecological performance of the scheme.
9. Because of these fundamental flaws, omissions and errors, The ExA can have no confidence that the scheme avoids net loss of biodiversity by reference to either the subjective assessments set out in the applicant’s EIA and subsequent submissions, nor the quantitative assessments of its BNG calculator outputs.
10. The assessment baseline on habitats therefore falls short of alignment with the general principles of environmental decision making, as set out in EN-1 and Circular 06/2005, which are to ensure environmental information is adequate and up to date. Consequently, the project cannot be robustly tested against relevant policy, including that set out at para 5.3.7 of EN-1, which states:

“As a general principle, and subject to the specific policies below, development should aim to avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives (as set out in Section 4.4 above); where significant harm cannot be avoided, then appropriate compensation measures should be sought.”
11. Bioscan and SNTS contend that the application has not demonstrated appropriate adherence to the mitigation hierarchy and the question of reasonable alternatives in order to avoid significant harm, and that as a consequence of this and flawed assumptions infecting the baseline used for



impact assessment, no confidence can be had that the project scheme does, or can be made to, avoid significant harm to biodiversity.

2) Persistent reliance on flawed or inadequate baseline information –species

12. Unfortunately, the above issues are replicated in the assessments and mitigation/compensation proposals for species - which the biodiversity metrics do not account for.
13. The direction of travel of Natural England towards a position of comfort on stone curlew is noted, but as at Deadline 7, their position sits at odds with ongoing concerns by the LPAs and Wildlife Trusts, and Bioscan contend that it is based on inadequate consideration on the matter of functional linkage to the Breckland SPA, as is explored further in Bioscan's/SNTSs accompanying revised response to the RIES.
14. Bioscan and SNTS's position remains in alignment with the concerns of the LPAs and Wildlife Trusts as expressed at Deadline 7. In particular, we agree that the compensation proposals for the displacement of the stone curlew population that habitually nests within the proposed DCO limits appear predicated on a *de minimis* basis, introducing a high risk of net negative impact in the event of failure, the risk of which is itself rendered high by the absence of contingency or headroom provision. Even if NE has satisfied itself that there is no functional linkage vector that could translate such negative effects to impacts on the Breckland SPA, this is a rare species, and such negative effects would be of high significance in their own right. SNTS feel that the Examining Authority is being asked to bridge the gap between guesswork and certainty with respect to this iconic and important species as a consequence of the applicant's obdurate resistance to make alterations to the scheme, such as the deletion of fields E12 and E13, one consequence of which would be to put matters around stone curlew displacement and the adequacy of compensation on a more certain footing and in closer alignment with the precautionary principle.
15. While stone curlew could not be said to have been a neglected topic during the examination, there is another group of avian species that has been subject to scant regard. This is the suite of declining and increasingly scarce farmland bird species, including species of principal importance, which have populations within the DCO limits that are arguably of county importance and which are likely to be subject to higher magnitude displacement effects than stone curlew. The applicant's evaluation of the on-site populations of these species has been directly challenged by Bioscan and others by reference to evidence in local ornithological datasets that suggest the on-site populations may be of county importance. The applicant verbally agreed in the oral hearings at ISH2 (7 December 2022) to look at this issue and revise its assessments where appropriate. It subsequently changed its mind and has instead said, absent any provision of supporting evidence, that it stands by its original rather muted evaluations. This leaves as a matter of broad uncertainty, the scheme's impact on a suite of declining bird species with attendant statutory obligations (obligations which apply to both the ExA and Secretary of State).
16. NPS EN-1 states (at para 5.3.3) that:

"Where the development is subject to EIA the applicant should ensure that the ES clearly sets out any effects on internationally, nationally and locally designated sites of ecological or



geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity."

17. And at 5.3.4, that:

"The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests"

18. In respect of the ongoing shortfall of information in the applicant's EIA and subsequent submissions about the local and regional significance of the populations of bird species of principal importance for the conservation of biodiversity that are likely to be displaced by the scheme, the ExA and SoS can have no confidence that the presented impact assessments for these species are correct, or that related statutory obligations can be appropriately engaged and discharged. The applicant's approach, typified by its throwaway submissions that displaced lapwing (for example) will simply use the same *de minimis* quantum of compensatory habitat as provided for stone curlew, provide no assurance that appropriate consideration has been given to the mitigation hierarchy as regards such species, let alone opportunities to enhance conditions for them.

3) Confused, unevidenced and changing claims about future position

19. The final matter which Bioscan/SNTS wish to set out a 'state of play' submission on at this juncture, is the confidence or otherwise that the ExA and SoS can have in the applicant's claims about the future position in the operational phase of the proposed energy farm.
20. The ExA will have noted several challenges from SNTS to the applicant to provide evidence that habitat conversion on this scale and to the level of success it seeks to rely upon in its EIA and in its BNG calculations, is achievable, taking account of the logistical challenges of procurement of the sheer quantity of seed mixtures it has quoted it would use, the weight of the multiple commitments to oversight, aftercare and monitoring that it has committed to (with only latterly any acceptance that this would require multiple Ecological Clerks of Works), the issues around latent high fertility in many fields hitherto subject to intensive agriculture and the issue of shading by PV panels. We note that the applicant has belatedly conceded some ground on the some of these matters, but on the others it seeks to 'kick the can down the road'.
21. SNTS/Bioscan considers that, in consequence, the certainty that the ExA and SoS can have in the full delivery of the measures that the applicant relies upon as a foundation to its claim that the scheme would achieve no net loss of biodiversity, is undermined. The logistical challenges facing the commitments that the applicant has entered into are of such magnitude that they put this project on a very different footing to other schemes whereby matters of detail may be left to later stages, and where the basic principle of whether delivery can be achieved is not in question. SNTS/Bioscan do not consider that to be the case here, and in the absence of appropriate assurances about resourcing and supply chains, invite the ExA and SoS to place little weight on the applicant's claims as regards habitat creation, especially in fields where solar arrays are planned. Consequently, any counterbalancing effect of these claims against a) the acknowledged harms in the ES and b) the other unacknowledged harms arising out of the flaws in EIA approach as discussed at (1) and (2) above, is diminished.



22. Were the ExA and/or SOS minded to approve the making of a DCO for this project, SNTS and Bioscan would invite them to consider what “appropriate requirements should be attached to any consent and/or planning obligations entered into” in order to improve this situation and instil at least some improved confidence in delivery, in accordance with NPS EN-1 para 5.3.19:

“Where the applicant cannot demonstrate that appropriate mitigation measures will be put in place the IPC should consider what appropriate requirements should be attached to any consent and/or planning obligations entered into.”

Bioscan UK Limited 13.03.23