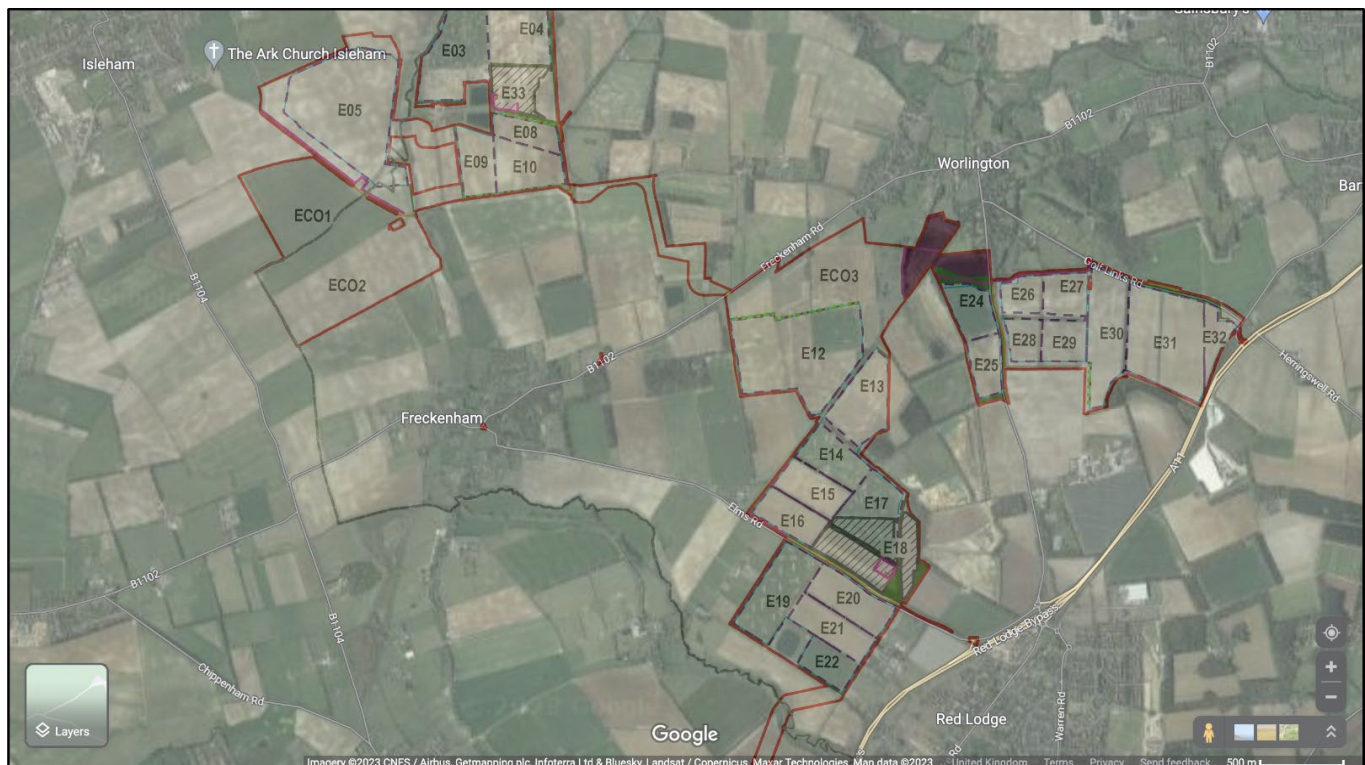


Sunnica in their submissions have joined together more than 1 field into an area – so E01 right at the top of the map the map below was 2 fields, E05 was 3 fields as can be seen on the map from Google maps



Comparison of the inked areas from MS Reed with this field map show that areas she has graded as 3a correspond reasonably closely to fields, particularly in the case of E01, E03, and E04, plus E26, E28, E29 and E19.

The comments that fields need to be graded as a single entity are correct but these fields could and should have been graded as BMV land

Ms Reed also asked that similar grading should be done for Sunnica West- this information has never been submitted.

There are several missing auger boring points in these fields and the whole of E02(not on plan) has been missed. Looking at the archaeology trench maps E02 (App-075 pp315-320, PDA 002) is a Fen Edge field which was found to have peat in the trenches. The Auger borings along the North edge of E01 are also likely to fall into the Fen Edge area found by Oxford archaeological. DBSC found peat in only 3 of the 225 auger borings over Lee Farm whilst Oxford archaeological found peat in a number of trenches across the field.

These omissions of data, combined with the lack of pits representative of the soil types found across the area throw doubt on the entire ALC classification. The claim in Sunnica's latest submission that pits were dug during the surveys is not substantiated by and data or pictures and was not mentioned in the ES.

The complete disregard from Sunnica representatives to supplying NE with the data they requested has resulted in a SOCG based on incorrect evidence.

The deadline 10 submission from Sunnica states that pits were dug across the site during the lengthy ALC surveys – why are they only now disclosing this, why were pits not mapped and pictures taken at the time, why is there absolutely no data presented. The use of archaeological trenches to represent the nature of the soils is simply not acceptable.

That the Applicant has delayed answering questions from interested parties, SNTS and Natural England shows a disregard for the NISP process. Only at the very last minute when the opportunity to respond is limited have they disclosed further information. This can only reflect badly on Sunnica and their agents.

The End of Examination summary submitted by Sunnica relies entirely on the agreement of Natural England to refute all other concerns. This position of Natural England fails to take into account evidence supplied by its own predictive map giving Likelihood of BMV land, its own soil specialists and also soil specialists both employed by SNTS and independent soil experts. It also ignores Planning Policy which states that irrigation is a factor which should be taken into account in determining land quality.

What should local planning authorities expect from a statutory consultee in terms of a response?

When consulted in the circumstances set out in Article 22 of the Development Management Procedure Order, consultees are under a duty to provide a “substantive response” (as defined in that Article). Local planning authorities must provide such consultees with the information that will enable them to provide a substantive response.

The substantive response will need to include reasons for the consultee’s views so that where these views have informed a subsequent decision made by a local planning authority the decision is transparent. A holding reply would not be acceptable as a substantive response.

Natural England have never received the responses from the applicant which would have allowed them to make a substantive, informed response on the ALC grading over the DCO site. The concerns being expressed by Natural England until the very last minute, concerns which have not been properly addressed show the issue. Therefore, neither the Applicant nor the ExA can accept Natural England’s responses and agreement as informed decisions.

At this late stage the only option remaining is to utilise the Rochdale Envelope which ensures that BMV land is not lost to development – the figure derived in this way of 55-60% is also in accord with the findings of the independent survey carried out by MAFF [APP-115 -P40-53] which found 55% to be BMV.

If all of the facts concerning these issues had been made available to the ExA in a timely fashion I believe that the Inspectors themselves would have requested independent assessment of the ALC submitted by Aecom and DBSC. To withhold this information itself shows a lack of respect for the examination process and an unwillingness for it to be scrutinised by the ExA or Interested Parties.