

**Date:** 23<sup>rd</sup> January 2024

The Rt Hon Claire Coutinho MP PC  
Secretary of State for Energy Security and Net Zero  
1 Victoria Street  
London  
SW1H 0ET

By email: via Planning Inspectorate

Dear Ms Coutinho

**Re: Sunnica Energy Farm, Planning Inspectorate reference EN01010**

- (1) Secretary of State's Request for Information letter 14 December 2023**
- (2) Reply by Natural England 10 January 2024**
- (3) Reply by Pinsent Masons LLP for the Applicant 11 January 2024**
- (4) Email invitation to comment, 15 January 2024**

**Para. (4,5) of Request for Information : Landscape Visual Impacts**

**Para. (6) of Request for Information : Breckland SPA**

Thank you for inviting Interested Parties to comment on replies.

#### **Breckland SPA**

The reply from Natural England is astonishing. It makes an assertion of a conclusion, in advance of completing the necessary study, which it acknowledges is unfinished, cannot give any timescale for its completion, but nevertheless asserts that it already knows what the conclusions will be.

This is not how any scientific evaluation ever proceeds. Whatever may be the processes in play here, one may be absolutely certain that scientific objectivity is not involved. This lack of integrity will be shocking to anyone expecting a commitment to facts and reason.

As commented upon by Dominic Woodfield of Bioscan (UK) Ltd (Appendix D of responses by SNTSAG Ltd, 11 September 2023):

Binding case law (the Dutch Nitrogen cases and others) has firmly established that decision makers cannot lawfully consent to development if there remains reasonable scientific doubt over whether it could adversely affect the integrity of a European (Habitats) Site. Decision makers are entitled to place significant weight on the opinion of Natural England, indeed the courts have held that NE's advice should given such weight, however that does not mean NE's advice is final or binding. In particular, where the opinion of the statutory authority is absent of supporting scientific evidence, and/or there is otherwise contrary evidence or cause for reasonable scientific doubt as to its veracity, there is a requirement to exercise precaution. We contend that this is the position the Secretary of State finds themselves in here.

It should now be obvious that there is indeed "*reasonable scientific doubt*" remaining over the habitat assessment of the stone curlew population in the Breckland SPA, and that, therefore, "*decision makers cannot lawfully consent to development*", per the cited case law.

### **Parallels with lack of Hazardous Substances Consent for the “Giant Batteries”**

There are close parallels with the lack of application for HSC for the BESS elements of the proposal. Whilst the technical issues are of course disjoint, the common factors in the approach of the Applicant and its advisers are :

- (1) to adopt a strategy of obfuscation, withholding critical information (BESS and HSC) or relying on a statutory body issuing opinions without evidence (Breckland SPA) ;
- (2) to take the position “we’re sure it will be alright” when the questions are ones which Interested Parties are entitled to have fully resolved within the Examination ;
- (3) to evade the fundamental question of lawfulness in both cases.

The Secretary of State should note an additional ground restricting her latitude to consent this Application lawfully.

### **Landscape Visual Impacts**

I endorse fully the expert input from Michelle Bolger (landscape consultant) in Appendix H of the Deadline 8 submissions of the SNTSAG Ltd (Landscape Briefing Note 19) (REP8-050):

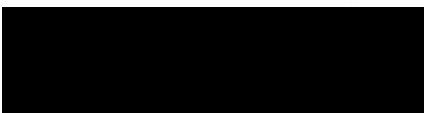
**Design Process.** In various submissions the applicant has stated that their LVIA informed the design process (e.g., their answer to Q2.0.11 [REP5-056]). Crucially, however, a LVIA did not inform the site selection process, which we and the Councils both conclude was flawed. Good design fundamentally 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).

The essential point here is that the location itself is inappropriate, being so close to protected habits (Breckland SPA), Ramsar-designated wetlands (Chippenham Fen), habitation, workplaces and schools (Worlington, Freckenham, Isleham, Chippenham, Red Lodge) and a very high-value bloodstock industry.

This applies both to the enormous acreage of solar PV panels and to the unprecedented size and energy storage capacity of the “Giant BESS” with known Major Accident modes. As has been obvious since 2019, this proposal is in completely the wrong place, in addition to being futile in the benefits claimed. Specifically the energy output is derisory, on the Applicant’s own figures (REP4-084).

The Secretary of State has more than enough evidence to reject this proposal unconditionally, and should put an end to the unconscionable strain on the local community by doing so without further delay.

Yours sincerely



Edmund Fordham MA PhD(Cantab) CPhys CEng FInstP Eurlng

Interested Party IP 20030698

Prospective Parliamentary Candidate, Ely and East Cambridgeshire (Reform UK).