



Date: 26 January 2024

Enquiries to: Andrew Phillips

David Carford

Penelope Mills

Isaac Nunn

Tel:

Email:

Dear Mr Wheadon,

Re: Request by the Secretary of State for comments on the information provided in response to her information request of 14 December 2023

Thank you for your invitation for comments on information provided in response to the request by the Secretary of State of 14 December 2023. This response provides comments from all four host authorities on the matters which are raised in the letter.

Landscape/visual impacts

While not wishing to spend too much time rehearsing the arguments submitted to the examination, the Councils hope that the following comments about the Applicant's letter dated 11 January 2024 are helpful. These comments summarise our position as already set out in submissions, and provide references to where these submissions can be found in the examination library. Comments are numbered in accordance with the paragraph of the Applicant's letter to which they relate:

1. LANDSCAPE/VISUAL IMPACTS (PARAGRAPHS 3 AND 4 OF THE REQUEST FOR INFORMATION)

1.1 The Councils have no comment on this point.

1.2 The Councils disagree with the statement that the proposed mitigation is the best available. The councils have jointly set out throughout the examination process where additional mitigation could achieve further reductions in harm to the landscape and visual effects. Please refer in particular to the councils' position on 'parcel by parcel' mitigation and residual effects submitted at Deadline 7 [REP7-072] and to summary of the joint councils' document submitted at Deadline 7 [REP8-051].

While it is correct that the detailed landscape proposals would be approved by the relevant planning authorities, the proposals would need to be in accordance with the consented outline proposals (Requirement 8 of the draft DCO, and Requirement 6 (2)), limiting the scope for additional mitigation to be developed at post consent stage.

The Councils disagree with the statement that all proposals for further mitigation relate to reductions in solar arrays. However, the Councils consider that the reductions in the scheme which they are proposing are not only justified, but necessary to make the scheme acceptable in landscape and ecology terms. The Councils have set out their position in favour of parcel removal in the following documents:

- a) in the joint LIR [REP1-024];
- b) at ISH2 (see SCC's Post-hearing Submission [REP4-124]);

- c) in ECDC's Written Representation [REP2-131];
- d) at ISH3 (see SCC's Post-hearing Submission [REP4-125]);
- e) in SCC's Responses to ExQ2 [REP5-084];
- f) in SCC's Comments on Applicant's Response to ExQ2 [REP6-076];
- g) in SCC's Response to Action Point No. 7 Consequent upon Issue Specific Hearing 4 on
- h) Environmental Matters and the draft Development Consent order [REP7-073]
- i) at ISH4 (see SCC's Post-hearing Submission [REP7-086] and ECDC and CCC's [REP7-079]);
and
- j) in the joint Councils' Comments on Documents Submitted at Deadline 7 [REP8-051]

1.3 to 1.5 The Councils agree that the use of anti-glare/anti-reflective coating on the proposed solar arrays should be secured by the DCO and are satisfied with the wording suggested by the applicant.

The following comments concern the Applicant's technical note, and are likewise numbered according to the paragraph of that note to which they relate:

1. Landscape/visual impacts

1.1 Question 3 - Introduction: The Councils have no comments on the introduction.

1.2 Question 3i: provide any updates to its position on the mitigation provided for landscape and visual impacts: The Councils respectfully disagree that the scheme 'evolved to respond positively to the local landscape character and to mitigate impacts on people's views and visual amenity, while addressing the ecological and heritage constraints and opportunities within the Scheme's context'.

With respect to paragraph 5.9.21 of National Policy Statement EN-1 (2011) or paragraph 5.10.26 of EN-1 (presented to Parliament, November 2023), the Councils have set out their position in the Joint LIR [REP1-024]. While the Councils acknowledge that there would be a reduction in the electricity generation output, this is considered to be proportionate to the reduction in harm to the local landscape and biodiversity. It is not considered an undue operational constraint, given the modular nature of solar arrays. The benefits of the proposed reduction in parcels, as proposed by the Councils, are not limited to the reduction of landscape harm and visual effects but interlink with a reduction of harm for ecology (stone curlew) as well as benefits for public amenity and recreation, which would result in multifaceted benefits that would be greater than the sum of their parts. The Councils disagree that additional planting in key locations would not be able to reduce the magnitude of impacts and the resulting visual harm. [REP7-072]

1.3.1 Policy test in respect of mitigation: The Councils agree with the Applicant that the November 2023 NPSs should be considered an important and relevant matter. However, the Councils disagree that the mitigation provided to minimise harm on the landscape as set out in the Outline Landscape and Ecology Management Plan is sufficient or the best available, and therefore does not consider that sufficient mitigation can be secured through the requirements in the Development Consent Order. The Councils consider that further mitigation can be achieved without affecting electricity generation output, but acknowledges that other measures, such as to allow new and retained trees to continue to grow, rather than to be lopped, may affect panels that have been placed unsuitably close to those existing trees. The Councils have set out their position with regard to the significance of residual effects, and that the accumulation of long-term effects that are non-significant when

assessed individually can (and, in the views of the Councils, have) become significant. See [REP1-024], for example, in paragraphs 10.1, 10.11, 10.12, 10.144, 10.178-10.180.

The Councils disagree with the statement that the proposed mitigation equates to the 'best available'. [REP7-072]

1.3.2 *Landscape designations:* While the Councils are aware that the application site is not within a nationally or locally designated landscape, they consider that the absence of a local designation does not necessarily and automatically lead to the conclusion that the landscape is of non-significant value, but only that, to date, no holistic cross-boundary assessment regarding the value of the landscape have been carried out. Numerous submissions by interested parties to the Examining Authority demonstrate that the landscape is highly valued by local residents and businesses and that the fact the visual effects from the Limekiln Gallops remain significant after 15 years demonstrates the sensitivity of the landscape to the proposed development, not least for the horse racing industry.

1.3.3 *Design:* The Councils consider that while some positive changes were achieved during the examination period and through engagement with the Councils, the concessions are necessary but not sufficient to make the proposals acceptable in landscape and visual terms. Not wishing to repeat well-rehearsed arguments for additional mitigation, the Councils ask the Secretary of State to refer to the relevant submissions made during the examination process, in particular the Councils' position on 'parcel by parcel' mitigation and residual effects submitted at Deadline 7 [REP7-072].

2. Summary and Conclusion: The Councils acknowledge that changes to the scheme, which are beneficial to landscape and visual amenity, have been made during the examination period and welcome these changes. The Councils agree with the Applicant that some impacts and resulting adverse effects cannot be reasonably mitigated. However, the Councils come to a different conclusion and consider that the Applicant has not sufficiently demonstrated that these impacts and effects are unavoidable. The Councils consider that impacts and effects, which render the proposals unacceptable in their current form, could be avoided and further mitigated, if the proposals for removal of some parcels from the scheme and parcel by parcel mitigation as proposed by the Councils were to be implemented.

Breckland Special Protection Area ("SPA")

The councils have no comment on the information provided by either Natural England or the Applicant with respect to the Breckland SPA.

We trust that you find this response is helpful.

Kind regards,

Cambridgeshire County Council

East Cambridgeshire District Council

Suffolk County Council

West Suffolk Council

