

**7000 Acres Opinion On The Similarities Between The Statement Made by the
Secretary of State For Communities and Local Government on 25 March 2015
and EN-3 (Updated November 2023)**

Deadline 3 Submission – December 2023

At ISH 3 the ExA requested the Applicant to comment on the Secretary of State's Statement made on 25 March 2015 and how it compared to the updated EN-3. 7000Acres wishes to make comments on the similarities between these two documents and how they demonstrate a consistency in Government Policy. We also believe it is helpful to comment on other documents, and a request for information made by the Secretary of State on 14 December 2023.

Statement by the Secretary of State

The Secretary of State for Communities and Local Government stated on 25 March 2015:

*"Last year, the Coalition Government published a comprehensive solar photovoltaic strategy setting out our ambitions for the technology as an important part of the United Kingdom's energy mix. In doing so, the strategy underlines **the importance of focusing growth on domestic and commercial roof space and previously developed land.**"*

This statement is consistent with the Skidmore Review (Skidmore Review paragraph 266¹) that calls for a "rooftop revolution".

So in citing the use of domestic and rooftop solar the Government is presenting a long standing and consistent policy. The Secretary of State's Statement then said:

"Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the Framework, we set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being

¹ <https://assets.publishing.service.gov.uk/media/63c0299ee90e0771c128965b/mission-zero-independent-review.pdf>

quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality”.

These principles are consistent with the National Planning Policy Framework (updated 5 September 2023) that sets out three requirements:

- *“An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.”*
- *“A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being;”*
- *“An environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

EN-3

EN-3 does not consider roof top solar as it is only relevant for 50+MW schemes.

The Secretary of State’s Statement is consistent with EN-3 3.10.14:

“While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land (avoiding the use of “Best and Most Versatile” agricultural land where possible).”

EN 3 3.10.16 supports the point that although good quality agricultural land may be used, it should not be the predominate source of land:

“It is recognised that at this scale, it is likely that applicants’ developments may use some agricultural land. Applicants should explain their choice of site, noting the preference for development to be on brownfield and non-agricultural land.”

Size of Solar Schemes

EN3 3.10.8 states that a typical 50MW solar scheme will cover 125 to 200 acres. It notes that the size might vary significantly with some being larger or smaller. It also states that size will vary as technology improves, implying that a smaller area will be required for a given generating capacity.

The Cottam NSIP Applicant only requires their vast tracts of agricultural land as it has chosen to aggregate over a million solar panels into a single scheme. EN-3 does not support a solar industrial scheme over ten times the 200 acres stated. Furthermore, it does not support six schemes, each ten times the size of those envisaged in EN3 3.10.8, being co-located in a single farming region, blighting over 15,000 acres of productive farming land. Both the Ministerial Statement and EN-3 do not anticipate, or support, a scheme the size of the Cottam NSIP and the other five local schemes.

EN-1

On 14th December 2023 the Secretary of State for Energy Security and Net Zero issued a request for information from the Applicant and Natural England regarding the Sunnica Solar NSIP².

The request for information included the following questions:

“Landscape/visual impacts

3) With reference to NPS EN-1 paragraph 5.9.8, the Applicant is asked to:

i) provide any updates to its position on the mitigation provided for landscape and visual impacts.

² <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010106/EN010106-005906-December%202023%20information%20request.pdf>

ii) with the aim of minimising harm to the landscape and visual effects as far as reasonably possible, advise whether their work concluded that the proposed mitigation was the best available or if any further mitigation could reasonably be provided.

4) With reference to draft NPS EN-3 paragraph 2.10.134, the Secretary of State notes that the Applicant's Glint and Glare assessment appears to have been carried out on the basis that anti-reflective coating would be used. The Applicant should explain whether it has considered the use of anti-glare/anti-reflective coating on the proposed solar arrays and if so whether this should be secured by the DCO."

Clearly the Secretary of State has concerns over the landscape and visual impacts of this Application, which like the Cottam NSIP is being proposed for installation on productive farming land. The Sunnica scheme differs from the Cottam scheme in 2 ways: firstly, Sunnica has solar panels limited to 2.5m in height³, not 4.5m in the case of Cottam; secondly, the Sunnica NSIP is not overlooked from higher ground, unlike the Cottam scheme.

As the Secretary of State clearly has concerns over the landscape and visual impacts imposed by the Sunnica scheme, the Cottam scheme with 4.5m high PV panels is likely to raise even more serious concerns.

Battery Energy Storage System

EN-3 does not refer to battery storage. EN-1 3.3.29 states that the Infrastructure Planning (Electricity Storage Facilities) Order 202043 removed all forms of electricity storage, other than pumped hydroelectric storage, from the definition of nationally significant energy generating stations under the Planning Act 2008. Following the 3rd Reading of the Energy Bill 2023, a BESS will be required to have an industrial installation permit. Therefore, from a regulatory point of view it will be a different site to the main solar array.

³ Page 4 - <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010106/EN010106-005064-8.87%20Design%20Principles.pdf>

7000Acres believes that the Cottam BESS should not be considered under this NSIP application as it is a separate scheme outside the NSIP regime and will be regulated as a separate site to the main solar generating station.

Summary

The updated EN-3 is consistent with current Government Policy, as expressed in the Secretary of State's Statement and other publications, such as the Skidmore Review, in stating that roof tops, brownfield site and poor quality land must be the preferred location for solar generation.

Neither the Ministerial Statement nor EN-3 provide support for a vast solar industrial complex ten times the size envisaged in EN-3. Furthermore, there is no policy that supports co-locating six vast solar industrial complexes in a rural farming region on productive soil. Imposing these developments on a farming region also goes against the policy stated in National Policy Planning Framework (updated 5 September 2023).

The Secretary of State has expressed concerns over the landscape and visual impact of the Sunnica Solar NSIP that has PV panels 2.5m high. The Cottam scheme is likely to generate even more concerns as the PV panels are 4.5m high.

Finally, there is no NPS that supports an industrial BESS to be located on productive farming land. EN-1 specifically excludes battery storage from the NSIP system, so it should be considered separately under the Infrastructure Planning (Electricity Storage Facilities) Order 202043.