

# Say No To Sunnica Action Group Ltd



**19 October 2022**

Dear Sirs/Madam,

## **Application by Sunnica Ltd for an Order Granting Development Consent for Sunnica Energy Farm**

### **Comments on Relevant Representations**

#### *Introduction*

1. The Say No to Sunnica Action Group Limited (SNTS) is an interested party (ID No 20031080) in the DCO examination.
2. This submission constitutes the comments of SNTS on the various Relevant Representations (RRs) submitted as part of the pre-examination process. It is necessarily a preliminary comment as it comes prior to the submission of Written Representations and the additional content to be included therein. In due course, our Written Representations (WRs) will comment on the RRs further, along with the Local Impact Reports due to shortly be submitted to the Examining Authority (ExA).
3. Before making comments directly in response to some of the RRs, SNTS would like to draw the attention of the ExA to the significant number of common themes running through many of the 1,360 RRs. To take two examples: this includes the importance of, and harm posed by the scheme to, the racing industry in Newmarket (especially on the Limekilns)<sup>1</sup>; and it also includes the extensive comments of locals identifying harm that the scheme will cause to agricultural land and farming<sup>2</sup>. Many other themes appear on a review of the RRs and will be commented on in the WRs.
4. We ask that the ExA carefully consider the RRs, and particularly the various common themes which run throughout them. We also make the following points on a selection of the RRs.

#### *East Cambridgeshire CC*

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<sup>1</sup> See Mr Dunlop, Mr Wall, Mrs Simcock, Mr Gosden, and the Jockey Club. Commented on below. See also Relevant Representations from e.g. Godolphin Management Company Ltd, Mr John Morrey, Ms Rachel Hood, Ms Jennie Simcock, and The Jockey Club.

<sup>2</sup> See Relevant Representations from e.g. Mr Nick Wright, Cambridgeshire and Peterborough Combined Authority, Mr Roy Clarke, Ms Kate Hodgson, Mr James Thorpe.

5. Prior to the Written Representation stage, it is hard to properly comment on the totality of East Cambridgeshire DC's RRs. However, SNTS is broadly in agreement with the concerns raised therein and will comment more closely on the view of East Cambridgeshire DC following the submission of LIRs.

#### *Cambridgeshire CC*

6. Prior to the Written Representation stage, it is hard to properly comment on the totality of Cambridgeshire CC's RRs. However, SNTS do note the following points now.
7. In respect of section 3 on cultural heritage, it is noted that a Rochdale envelope approach is being adopted. As a matter of planning law this is permissible, but in assessing harm to archaeological assets, the Rochdale approach calls for an assessment on a reasonable worst case basis. Currently, it is unclear whether any assessment of harm has been undertaken by Cambridgeshire CC. Secondly, SNTS notes that Cambridgeshire CC have some significant concerns about ecology and nature conservation (see section 4). SNTS has similar such concerns, and we have submitted our expert witness advice to Sunnica to open a dialogue on these issues.
8. In respect of section 7 on socio-economics and land use, SNTS has a number of comments. First, contrary to the Council's comments, SNTS say that the assessment of ALC fails to properly apply the extant policy (that is the MAFF 1988 guidelines). Our position is that Sunnica significantly underestimate the amount of grade 2 and 3a land by incorrectly applying the policy. We note that the Council are aware of our concerns, and the fact that we have not been permitted access to land to undertake our own studies (para 7.1). Secondly, like Cambridgeshire CC, SNTS does have concerns about the cabling run and damage to soil as a result of disturbance. Thirdly, SNTS agrees that the scheme land produces high yielding crops which sets this land aside from the typical case of grade 3 soil. While some of this is achieved through the use of irrigation, much is not, and this reflects the high quality of the soil generally. Yield information must be sought, as must the loss of land capable for food production. As to more broad socio-economic issues in section 7, SNTS agrees with the concerns raised about the impact of the scheme on the horse racing industry (see para 7.6 and 7.7).
9. There are various other concerns expressed by Cambridgeshire CC's in its RRs with which SNTS agrees. These are not all repeated here and will be addressed in our Written Representations. SNTS view as an unresolved problem the issue of battery and fire safety but sees this will be dealt with in more detail at the LIR stage (para 10.6).

#### *Suffolk CC*

10. Prior to the Written Representation stage, it is hard to properly comment on the totality of Suffolk CC's RRs. However, SNTS is broadly in agreement with the concerns raised therein and will comment more closely on the view of Suffolk CC following the submission of LIRs.
11. Notwithstanding the preceding point, SNTS does have three points of concern to raise at this stage. First, SNTS is of the view that the Council's position on battery fire safety underestimates the level of risk involved in managing a thermal runaway event generally, and particularly in the context of this scheme. There are also significant problems identified in the containment of harmful substances arising out of a battery fire (and firefighting) event. SNTS looks forward to reviewing Suffolk CC's detailed submission on the Outline Battery Fire Safety Management Plan as, currently, it is unclear how these failings will be resolved. SNTS identifies failures in respect of flooding, drainage and water resource management and notes the requirement for proper management that Suffolk CC perceives.
12. SNTS also notes that Suffolk CC perceives a role for Sunnica in achieving Net Zero by 2050 and decarbonisation of the Grid by 2035 (see para 7.13). As a result of the specific design of this scheme, SNTS are of the view that Sunnica fails to assist in meeting these aims. The greenhouse gas emission intensity of the scheme assessed on a whole lifecycle basis is significantly in excess of those identified by the applicant. At the Written Representations stage SNTs will bring forward an independent analysis it has obtained on this issue.

#### *West Suffolk Council*

13. Prior to the Written Representation stage, it is hard to properly comment on the totality of West Suffolk Council's RRs. However, SNTS is broadly in agreement with the concerns raised therein and will comment more closely on the view of West Suffolk Council following the submission of LIRs.
14. SNTS note that the Council identify concerns of the community about the proper assessment of the ALC classification (para 7.2), and SNTS is of the view that the amount of grade 2 and 3a land has been underestimated (due to a failure to properly apply the extant policy). Notwithstanding this point, SNTS agrees with the concerns of the Council that this scheme constitutes a loss of significant highly productive farmland impacting both on the region and the UK's ability to be food self-sufficient. SNTS also agrees that the failure to identify soil degradation and loss in the cable route is problematic. Both of these matters are significant failings in the scheme.
15. For the reasons advanced at para 12.4, SNTS is of the view that West Suffolk Council is correct to be concerned about the assessment of Suffolk CC that the Outline Battery

Fire Safety Management Plan is progressing towards being acceptable. As they note, there are concerns that battery fire safety underestimates the level of risk involved in managing a thermal runaway event generally, and particularly in the context of this scheme. There are also significant unresolved problems in the containment of harmful substances arising out of a battery fire (and firefighting) event. At the very least, SNTS say that West Suffolk Council are correct to have concerns about the detail available in the Outline Battery Fire Safety Management Plan.

16. SNTS also agrees with West Suffolk Council's comments on the scheme's impact on the horse racing industry generally, and the world-renowned Limekilns in particular. We say the Council is correct to identify the destructive impact that the scheme poses. We agree that Sunnica has failed to undertake a detailed, genuine assessment of the impact of the proposal on the horse racing industry. West Suffolk Council are correct to have very serious concerns in this respect; SNTS see significant failures in this aspect of the scheme.

#### *Palace Green Homes*

17. In its RRs, Palace Green Homes suggest that the development will strengthen and diversify the local and national electrical grid. In respect of the local grid (we assume, the local distribution network), the scheme is not connected locally. It instead connects to the national transmission system. As such, the scheme does little to strengthen and diversify the grid locally, as the energy is not 'retained' locally. As to the suggestion that it strengthens and diversifies the national grid, the meaning of 'strengthen' is unclear. In respect of diversifying the national grid, it would increase the amount of PV generation in the energy generation mix. However, this could be accomplished by construction in other regions of the UK and connection to the national transmission system. From an environmental perspective, the evidence suggests this is not a carbon neutral scheme, and thus any diversification is not substantively positive when compared to the national grid currently (and over the life of the scheme). Palace Green Homes' support provides no basis for the construction of the scheme in this location as opposed to another in the UK.

#### *Matt Hancock MP*

18. As one of the two local Members of Parliament for the local area around the scheme, SNTS are of the view that Matt Hancock MP's RRs are particularly important. As local representative, he is well placed to take a holistic view of local concerns, including the conspicuous lack of consultation and engagement overall. SNTS say that he represents the broader local view that, while residents are not opposed to solar generally, they are opposed to solar of the nature and size of this scheme.

### *East Cambridgeshire Climate Action Network*

19. SNTS note the suggestion from the East Cambridge Climate Action Network that ‘we support the Sunnica development as a shovel ready project which will make a significant dent in our national clean energy targets’. As we are not yet at the Written Representations stage, we do not comment much further than this: when assessed using a whole life carbon lifecycle approach, and considering the possibility for extensive provision of BESS, the scheme will detriment the UK’s attainment of national clean energy targets when compared to the predicted greenhouse gas emissions of the grid for the life of the scheme. While solar schemes in general can contribute positively to the attainment of our national clean energy targets, features of this scheme make it a poor proposal to make such contributions.

### *Lucy Frazer MP*

20. As one of the two local Members of Parliament for the local area around the scheme, SNTS are of the view that Lucy Frazer MP’s RRs are particularly important. As local representative, she is well placed to take a holistic view of local concerns, including the conspicuous lack of consultation and engagement overall. SNTS say that she represents the broader local view that, while residents are not opposed to solar generally, they are opposed to solar of the nature and size of this scheme.

### *Historic England*

21. SNTS disagree with the preliminary assessment advanced by Historic England of the work undertaken by Sunnica in their various assessments. At the Written Representation stage, SNTS will submit its heritage assessment of the scheme. Notwithstanding this point, SNTS are of the view that details provided in Sunnica’s assessments are limited and have led to an underestimate of harm (particularly in respect of Chippenham Park, Chippenham Barrow Cemetery and the Roman Villa south of Snailwell Fen). In SNTS view, one error which Historic England should reconsider is the suggestion that harm is temporary and reversible in the context of the scheme being present for 40 years. SNTS dispute the view this is merely temporary and reversible. SNTS also view the lack of weight given to the Limekilns as a heritage asset of significant value which faces considerable harm that is difficult to mitigate as a significant failing in the scheme. The Limekilns is an important heritage asset as should be assessed as such.

### *Natural England*

22. Prior to the Written Representation stage, it is hard to properly comment on the totality of Natural England’s RRs. However, SNTS would note the following at this stage. First, SNTS have similar concerns to those expressed by Natural England at para

4.1.4 that the agricultural land (whether BMV or otherwise) will be returned to its former agricultural use and restored to its original agricultural land classification. SNTS have concerns as to whether 40 years use can be regarded as 'temporary' in any meaningful sense in any event. Any such return must be ensured. Secondly, SNTS have similar concerns to those expressed at para 4.1.6.1 that a proper methodology was not adopted in the ALC methodology (including those omissions identified at para 4.1.6.4). Thirdly, SNTS disagree with the 'correcting' of the MAFF survey data to exclude irrigation in circumstances when the extant policy remains the 1988 MAFF policy alone. Fourthly, SNTS identifies a failure to protect the quality of this highly productive agricultural land independent of the question of ALC grade, including permanent soil removal and degradation (see comments at para 4.1.6.9).

23. We note that Natural England have based their comments on the information submitted by the applicant (para 1.1); we are of the view that this information is misleading and suggest it may have led bodies such as Natural England to conclusions it would not have drawn if the submissions had been different.

24. On ecology and biodiversity matters, SNTS has provided its expert advice to Sunnica and dialogue is ongoing. On that basis we do not propose to comment on these matters here and leave them to be addressed at the Written Representation stage.

*Edward Dunlop*

25. Mr Dunlop is an important figure in the horse racing industry. He highlighted the harm that the scheme will do to that industry generally, and particularly alights on the virtual destruction of the setting of the Limekilns. The Limekilns are a crucial asset of horse racing in Newmarket, and its degradation would be harmful. Mr Dunlop's view is a significant one because of his experience in the industry, and SNTS is of the view it should be considered carefully (among the many other representations provided by members of the horse racing community).

*Christian Wall*

26. Mr Wall is another important figure in the horse racing industry. He identifies the international acclaim that Newmarket has as centre of the horse racing industry, and he notes that Newmarket has some of the finest training grounds in the world. Most important of these is the Limekilns, which is a crucial asset from a training and investment perspective. He is of the view that the scheme will harm the setting and utility of the Limekilns which poses a significant threat to the horse racing industry. Mr Wall's view is a significant one because of his experience in the industry, and SNTS is of the view it should be considered carefully (among the many other representations provided by members of the horse racing community).

### *John Gosden Ltd*

27. Mr Gosden is another important figure in the horse racing industry. He identifies the significant harm that the scheme will cause to investment in the industry. As the development will impact on the setting and nature of horse racing in Newmarket, this will make encouraging funders external to Newmarket to input funds into this location (as against other leading international locations) more challenging. Setting, history and the emotional desire of investors to enjoy equine pursuits in Newmarket is all at risk as a result of the scheme. This poses a serious threat of irreparable harm to the horse racing industry in Newmarket, and the economy more generally in Newmarket, which is heavily reliant on continuous investment. Mr Gosden's view is a significant one because of his experience in the industry, and SNTS is of the view it should be considered carefully (among the many other representations provided by members of the horse racing community).

### *The Jockey Club*

28. The Jockey Club provide an extensive RR with significant content on the history, importance, and nature of horse racing in Newmarket. SNTS aligns itself with the views expressed therein, and particularly the identification of serious harm that the scheme will cause to the industry. As one of the pre-eminent locations for horse racing across the globe, Newmarket has to maintain the high quality of all aspects of horse racing to remain competitive. The harm posed by the scheme to the setting and nature of horse racing, with particular emphasis on the Limekilns, is significant and threatens to diminish Newmarket in the face of this international competition. Among many other reasons, it is essential that the quality of horse racing at Newmarket is maintained so that investment continues to flow into the town and the surrounding area. Any harm to the industry threatens to reduce significantly that investment. The Jockey Club have a wealth of experience on horse racing matters and are one of a number of people that SNTS say should be considered carefully (among the many other representations provided by members of the horse racing community).

### *The National Horse racing Museum*

29. The National Horse racing Museum are particularly well placed to understand the history of Newmarket and the importance of the horse racing industry to it and the surrounding areas. As the RR notes, the land has been protected and preserved for horse racing for centuries, and the scheme poses a significant threat to that history. The change of the nature and setting of horse racing in Newmarket is a threat to the town and the investment that it receives. As an institution well placed to comment on

the importance of the industry to the town over the centuries, SNTS is of the view that its comments should be considered carefully.

Yours sincerely

**C Judkins (Director and Chair)**

Electronically signed.