

Written Representation Registration Identification number 20030110 from Alan Smith to Planning Inspectorate re application No EN 10106 re Sunnica Ltd.

Date. 13<sup>th</sup> October 2022.

#### References

Cleve Hill      Cleve Hill Solar farm 900 acres Ref EN010085 SOS consent 30<sup>th</sup> May 2020.

BESS            Battery Energy Storage Systems.

SOS             Secretary of State.

I RESERVE THE RIGHT TO BE ABLE TO ADD FURTHER INFORMATION AS IT BECOMES AVAILABLE.

#### **INTRODUCTION**

I moved to this house in Worlington with my wife in late 2015 in the knowledge from our solicitor that the area to the South and West of our house was designated as Countryside by the Local Authority. There was no possibility of the land being used for housing or commercial development.

I therefore cannot agree to the Sunnica proposal on grounds of the scale of the solar farm and the danger to human health from the 75 acres of planned Battery Energy Storage Units. If permission was granted for the 2,800 acre development it would turn the historic landscape of The Brecklands, known as the Brecks, into an industrial complex consisting of 1.1 million solar panels, warehousing, and car parking facilities, office accommodation and 75 acres of BESS cabins.

A huge disadvantage with the Sunnica proposal is that because of the scale of the project it is spread over such a wide area of landscape, 10 miles, and affects so many historic villages unlike smaller compact solar arrays which are contained and easily controlled.

Therefore I have to look at this proposal in terms of how our lifestyle would change, should the scheme obtain consent from the Secretary of State.

The first point is that last year in 2021 [REDACTED] which meant we needed to downsize and move house. It was placed on the market in the June and had to be withdrawn in the September. The reason was our agent advised us in writing that applicants were unable to proceed with a purchase, due to the Sunnica Energy Farm proposal and the likely reduction in property values should the project obtain planning consent. Therefore we are basically now trapped in this large house and having to employ and pay for home help.

Then there is the question of our location in Worlington and the routes we use out of the village by car to places of interest and how those routes will be affected by avenues of glass panels 13 feet high. If we go to the South, West, and North then each route to our beauty spots will be spoilt by the proposed solar farm and it is only to the East that will remain as it is today. Even this would be affected as we often have to use the through road, Golf Links Road, when Mildenhall is gridlocked.

Therefore places regularly visited such as Ely Cathedral via Isleham, Fordham via Freckenham, La Hoque farm shop and Restaurant via Chippenham will not be visited again. Our daughter and family live at Red Lodge and regular journeys will have to be changed to use a route to the East rather than a direct route South through the avenue of glass. We have no wish to drive through an industrial complex when compared with the beauty and tranquillity of the Brecks.

I will now set out my list of appendices in detail after the Summary section of this report:

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#### **SUMMARY**

It is now 3 ½ years since the Sunnica proposal was made public. The main director and shareholder of Sunnica Ltd is Luke Murray and since day one he and his company Sunnica Ltd have adopted a policy of not working with the local community but rather against it which has proved a grave error of judgement.

They have had their own agenda and run rough shod over the local community in dictating their policy and intentions instead of negotiating and informing. There has been a distinct lack of transparency throughout.

For the local community it has been like a period of slow mental torture in not knowing what the future holds for our village communities, little or no communication, the pandemic of 2 years used to their own advantage and agenda with no personal visits or public meetings even when Covid regulations allowed such communication.

There has also been confusing and misleading information provided and information on the 3 BESS sites of 75 acres, each with a sub-station, deliberately withheld and when requested to provide computerised images or architects' mock-ups of those sites, flatly refused by Sunnica.

It is so disappointing to report such behaviour by an individual and firm presenting a NSIP which has demonstrated a lack of experience, incompetence and a policy of bad time keeping. I will now provide evidence to support the adverse comments I have made.

1. The non-statutory consultation in June/July 2019. Poorly presented, a lack of knowledge of the scheme and an arrogant attitude by staff as to dictating their intentions.
2. The pandemic period March 2019 to Feb 2022 was used by Sunnica to use Covid as an excuse to distance themselves from public participation. If they did communicate it was by

way of the internet only, which meant 25% of the population of the 4 main villages affected by the scheme and who were senior citizens were discriminated against due to lack of computer knowledge.

3. The public consultation 22<sup>nd</sup> September-8<sup>th</sup> December 2020 attracted adverse comment on a large scale due to lack of consultation, too much emphasis on Webinars, Questions put forward not answered. No personal visits or public meetings despite Covid regulations permitting such events. It was only accepted by the planning inspectorate with the bare minimum of information provided to the public
4. In October 2021 MPs Matt Hancock and Lucy Frazer held a public meeting on the Sunnica proposal in Isleham village hall and extended an invitation to Sunnica and its director to attend and answer questions from the public. They refused to attend.
5. In July 2022 from the 6<sup>th</sup> June to the 6<sup>th</sup> July Sunnica held a non-statutory consultation for changes to the DCO. This was unsatisfactory and two events were held in East Cambs and none in Suffolk. Booklets on the consultation were sent randomly to a few residents whereas the 11,000 homes affected were not sent details.
6. There is misleading and incorrect information in the 2019 and 2020 consultation booklets on who the owners of Sunnica Ltd are with no mention of a Spanish parent.
7. Financial information in the Funding Statement presented as part of the DCO application contains incorrect and misleading information. Financial accounts for UK companies are not provided. Spanish accounts produced are in euros and not converted to sterling. Losses and negative shareholders' funds in the 4 UK registered companies have not been disclosed.
8. Sunnica have a track record over 3 years of not meeting specific deadlines. Examples are many delays to presenting the DCO. Consultations delayed. Lateness in providing financial information to Companies House. Not obtaining National Grid signed agreement to the Burwell substation BEFORE submitting their DCO. Unsatisfactory delays to changes to the DCO. Most important of all being responsible for delaying the start of the Inspectorate 6 month examination by 2 months.

Sunnica Ltd and Luke Murray have presented a flawed, poorly-presented and unprofessional Application to the Planning Inspectorate. There has been a significant lack of information which demonstrates inexperience in presenting a NSIP. The evidence provided in this WR gives no justification for the Secretary of State to grant permission for a solar complex which would be the largest in Europe.

## **APPENDIX NO 1 - FARMLAND AND THE BRECKLANDS LANDSCAPE**

### **I disagree with farmland being used for solar PV**

#### **My reasons are stated below.**

##### **1. CURRENT LAND USE**

**1.1** The Savills “Current Land Use” document dated 17th Jan 2019 states that the agricultural area in the UK has declined by around 64,000 acres per year over the last 20 years. If the years 2019, 2020 and 2021 are added and the fact there has been an explosion in housebuilding and solar farm development then over the last 23 years a staggering 1.5million acres of good agricultural land has been lost.

**1.2** Currently the UK is only 52% sufficient in food, with only 23% of the fruit and veg eaten in Britain grown here. This information is from a group of global food chain experts led by Professor Tim Benton of the University of Leeds, found in a report using DEFRA data. Three quarters of fruit and veg in the UK is imported.

**1.3** The current war in Ukraine with Russia endorses the fact the UK now, more than ever, must not lose more farmland in an endeavour to save on food imports.

**1.4** As regards solar PV there are alternatives to the use of farmland which are well documented later in this report.

**1.5** The Solar Trade Association (rebranded in Jan 2021 as Solar Energy UK) has a list of 10 commitments for solar farms. Under the heading “land Use” it states Ground-mounted solar should ideally utilise previously developed land, brownfield, contaminated land and preferably agricultural land of classification 3a, 3b, 4 and 5.

**1.6** The Cleve Hill report page 65 para 5.2.19 and 5.2.20 refers to Greg Barker’s (The SOS at the time) speech to the Solar Energy UK conference published 8<sup>th</sup> October 2013. Reference is made to the UK Solar PV Strategy which consists of 2 parts. Quotes below are made from the speech.

**1.7** However the Report has omitted the very important points made for Local Communities on page 4 and I quote:

- **“However, as solar PV grows in scale and maturity, it is starting to attract new critics.**
- **A number of groups across the country have started campaigning against runaway solar PV developments on prime agricultural land, against solar farms deployed on our beautiful countryside.**
- **It would be a grave mistake of monumental proportions for the industry not to heed these concerns.**
- **The sector must not allow a few large scale, inappropriately sighted developments to ruin it for everyone else.**
- **I have a huge amount of sympathy for those views.**
- **We have strengthened the planning guidance to provide a stronger voice to communities affected by such projects.**
- **And made clear to planners that landscape, rural beauty and local feelings really matter.”**

The statements underlined are very important in the decision making process for Sunnica.

## **1.8 THE BRECKLANDS LANDSCAPE**

**1.9** The majority of the Sunnica acreage is within the Brecklands Historic landscape.

The Brecks, as it is known, is one of the great natural areas of Great Britain, spans 370 sq. miles across Norfolk and Suffolk, a landscape of tranquil forest, open heathland and agricultural land that is home to many unique or distinctive birds, plants and animals. It is a Special Protection Area under The European Union Directive on the Conservation of wild birds.

**1.10** The farmland within the Sunnica 2,800 acre development is not set-aside but is intensively cropped for potatoes, onions, carrots, sugar beet, parsnips etc and has also provided land for pigs, chickens, sheep and horses. A huge contribution to the food chain of this country.

**1.11** Therefore there is no justification in allowing a change to an industrial landscape.

## **APPENDIX NO 2 - ALTERNATIVE SITES. Part 1**

### **I disagree that alternative sites have been investigated by the applicant.**

#### **My reasons are given below.**

- 2.1** Please refer to DCO APP 036 Page 4.4
- 2.2** The remarks on this page by the 4 Councils affected by the scheme are very relevant. Sunnica replied;
- 2.3** “The applicant has followed a step by step process which confirms the location of the scheme is suitable for a large scale solar farm. This has included the avoidance of residential areas and The Brecks Special Protection Area in confirmed site suitability and consideration of alternative areas”
- 2.4** Nothing can be further from the truth.
- 2.5** The scheme will decimate residential villages namely Worlington, Freckenham, Isleham, Red Lodge, Chippenham, Snailwell most of which are associated with the Brecks area, all residential communities within the vast development area of 2,800 acres.
- 2.6** In Worlington where I live, as an example Sunnica advised me 29<sup>th</sup> Sept 2021, that the distance between the proposed solar infrastructure at E12 on their plan and the back of the closest properties at the Southern tip of Worlington is approximately 490 metres. This is too close and will have an already adverse impact on the sale and price of properties in Worlington.
- 2.7** Environmental Statement page 4A Alternative Sites assessment 2.2 Identification of the area of search. In 2.2.4 Fig 1 shows that from the POC (Grid Connection) at Burwell a 15km radius is considered by Sunnica Ltd to be the maximum viable distance for the area of search.
- 2.8** The threshold was based on an estimation of the maximum costs that would be viable for the scheme.

## **APPENDIX NO 3 - ALTERNATIVE SITES. Part 2**

**3.1** There is limited discussion by Sunnica on alternative sites in the Environmental Statement but a generalisation on the area radius of 15km.

**3.2** There is no evidence that brownfield, contaminated land or redundant MOD sites have been explored.

**3.3** I had correspondence with Sunnica in 2019/2020 re alternative sites as follows

- 14th May 2019 Email from Mr Douglas Johnson “We have conducted a search for suitable sites for Sunnica Energy farm. As part of this we have identified and analysed a number of alternative sites”. He fails to mention the location of those sites.
- 29<sup>th</sup> November 2019 Email from Scott Harker. “We are in the process of preparing an analysis of alternative sites as part of the DCO application process. We will publish this information for you to view as part of our Preliminary Environmental Information report (PEIR) during the statutory public consultation” Not seen.
- 12<sup>th</sup> November 2020 Email from Sunnica. “The step by step assessment carried out when choosing the scheme will be submitted as part of our Development Consent Order (DCO) application. This will include information about the other sites that we have considered. This will be made publicly available for consideration and comment during the schemes examination.”

**3.4** I maintain that over a period of 3 years Sunnica Ltd have failed to provide me with specific evidence of alternative sites including the DCO application in November 2021.

#### **APPENDIX NO 4 - COMPULSORY PURCHASE AND EVIDENCE OF THREATS TO COMPULSORY PURCHASE AND HUMAN RIGHTS**

**I disagree with the applicant using CP powers for this development.**

**My reasons are stated below.**

##### **4. COMPULSORY PURCHASE**

**4.1** There is no mention in the Scoping Opinion report by the Planning Inspectorate in April 2019 or in the Sunnica Consultation booklet 2020 made available to the public of any plans for Sunnica Ltd or its directors to compulsory purchase land.

**4.2** This was confirmed by West Suffolk County Council to me in March 2021 that Sunnica Ltd had not advised them of seeking authorisation for compulsory purchase in their application.

**4.3** Following that letter the Planning Inspectorate wrote to me with the very detailed regulations for CP and that it is only the Secretary of State that can grant permission.

**4.4** I have also had correspondence with BEIS (Correspondence Unit,) and a letter from them dated 13<sup>th</sup> October 2021 states under Sect 122 of the Planning Act 2008 compulsory acquisition may only be authorised if:

- **The land is required for the development to which the consent relates; or**
- **It is required to facilitate or is incidental to that development; or**
- **It is replacement land which is to be given in exchange for the Order land under sections 131 or 132 of the planning act 2008; and**
- **There is a compelling case in the public interest.**

**4.5** In connection with this

- **The land required to be taken must be no more than is reasonably required and be proportionate;**
- **There must be a need for the project to be carried out;**
- **All reasonable alternatives to compulsory acquisition have been explored;**
- **The applicant has a clear idea of how it intends to use the land and can demonstrate that funds are available to pay for the acquisition; and**
- **They are satisfied that the purposes stated for the acquisition are legitimate and sufficient to justify the interference with human rights of those affected.**

**4.6** All the above matters will be taken into consideration by the Secretary of State in his determination of the application.

##### **4.7 EVIDENCE OF THREATS TO COMPULSORY PURCHASE.**

**4.8** Since Sunnica advertised its plans in 2019 there have been instances within the 2,800 acre development proposal that Sunnica Ltd and/or its directors have used threatening tactics to landowners and owners of residential properties to exercise their right of CP.



- In 2019 Mr Tuke, the landowner at Freckenham, withdrew his 800 acres from the scheme and posted on the Freckenham Parish Council website the demands Sunnica were making.
- In 2020 La Hoque landowners at Chippenham were targeted and again there is a posting on the Chippenham Parish Council website and in The Newmarket Journal newspaper.
- In 2021 81 private house owners were targeted so road widening could be carried out by Sunnica for HGVs to have access to the development.

**4.9** I reported the matter to BEIS (Mr Chris Mulvee) on the 27th September 2021 and in their letter of the 13th October 2021 they advised obtaining professional advice if it was considered an illegal process. I have not taken the matter further due to my financial limitations. I feel it is up to the Inspectors to make a judgement on this issue.

**4.10** I now refer to The Statement of Reasons 5.2 need for CA of land and rights Page 30.

**4.11** It is evident that a large number of residents/landowners affected with CP have not completed their negotiations. On page 47 5.4.9 Sunnica state that if there is no voluntary agreement they will use powers of CP. I still see this as threatening and arrogant to obtain what they want at any cost.

**4.12** My view is that we live in a democracy and ordinary folk in rural communities should not have their Human Rights exploited by Sunnica.

**4.13** Page 65 No 10 **Human Rights**.

**4.14** I cannot agree with the comments on pages 65-67 on this subject and feel very strongly that it is unnecessary for Sunnica to consider CP within the 2,800 acre development in a 15km radius of the Burwell grid connection.

**4.15** It should be noted that within a 15km radius of the Burwell grid connection there are already;

- 5 solar farms operational total 654 acres,
- 7 solar farms Under/Pending Construction total 735 acres,
- 2 solar farms with Applications under Consideration (excluding Sunnica) 306 acres.

**4.16** This is a total of 1695 acres identical to the developable area for Sunnica of 1770 acres and proves in 2018/19 when Sunnica commenced their scoping report that alternative sites were available at that time.

**4.17** The Sunnica scheme could have been downsized to eliminate CP and should in any case only be a maximum of 5km from the Burwell grid connection.

**4.18** Sunnica also admit in the DCO that there will be instances where they will infringe a person's Human Rights.

**APPENDIX NO 5 – FUNDING STATEMENT, PUBLIC LIABILITY COMMERCIAL INSURANCE POLICY, CHARTERED ACCOUNTANT’S REPORT AND FINANCIAL ANALYST REPORT.**

**FUNDING STATEMENT**

**I disagree with the funding statement as presented by the applicant.**

**My reasons are explained below.**

- 5.1** On the 5<sup>th</sup> May 2021 I received a letter from the Planning Inspectorate after I requested detailed information on an applicant submitting a funding statement. This is their reply:
- 5.2** “Regulation 5(h) of The Infrastructure Planning (applications; Prescribed Forms and Procedure Regulations 2009) specifies that any application for a Development Consent Order which seeks powers to compulsory acquire land must contain a Funding Statement setting out how the applicant intends to fund the Compulsory Acquisition (CA) of land.
- 5.3** A Funding Statement must contain sufficient information to enable the Secretary of State to be satisfied that, if it were to grant CA request, the proposed development is likely to be undertaken and not prevented due to difficulties in sourcing and securing the necessary funding.
- 5.4** If the application is accepted for examination, the Examining Authority will test the Funding Statement to ensure it contains sufficient information to satisfy the Secretary of State that the applicant has sufficient funds to acquire the land, should the Secretary of State be minded to grant CA powers”.
- 5.5** In submitting my comments on the Sunnica Ltd Funding Statement in this report I have taken advice from my Chartered Accountant’s senior partner, Mr Simon Cobbin FCA of Findlay Wetherfield Scott of Chingford London E4 6AG, who has had significant input and produced a report. Please see Appendix No 11 (**email no.2 dated 13 October 2022**). This is in addition to my own career, before retirement, as a Senior Corporate Lending Banker in The City with Barclays.
- 5.6** Furthermore a separate report is included which deals with the financial position of Solaer Holdings S.L. as presented to the Planning Inspectorate. This report, please see Appendix No 12 (**email no.2 dated 13 October 2022**), has been written by Michael Mills a retired financial analyst with experience with major international banking institutions and fund managers. I have known Mr Mills for 15 years.
- 5.7 PUBLIC LIABILITY AND COMERCIAL INSURANCE POLICY.**
- 5.8** There is no evidence within the funding statement that Sunnica has in place or has enquired about such a policy and for what amount and the annual premium.
- 5.9** It should be noted that with the continuing problems with 30 BESS fires globally over the last 4 years and the Liverpool Orsted Merseyside Fire and Rescue Report (please see Appendix No.6 - **Email No.3 dated 13 October 2022**) it is becoming increasingly difficult for applicants of solar farms to be granted Insurance cover on their developments. The risk factor is so great that either premiums are very high and unaffordable or many insurers have pulled out of the market.

In some cases the premiums are so high the development is not viable. Sunnica will require a stand-alone policy, with the premiums guaranteed for the lifetime of the project, whoever owns it, covering the huge risks from a mass BESS fire and explosion at any one of the three sites to include; multiple deaths, life time injury, damage to homes, factories, commercial premises, the land, the waterways as well as mass evacuation, pollution and clean up. The numbers quickly escalate into billions.

**5.10** The above facts have been taken from an article by Richard Belfield Oct 19<sup>th</sup>2019 headed:

**5.10** “Cleve Hill: A Small problem of Insurance.”

**5.11** Unless Sunnica Ltd can produce evidence of insurance cover as quoted above at the DCO stage and the annual premium and proved affordability (via The Funding Statement) then of course without such a policy the development cannot proceed.

**5.12** Please see Appendix Nos 11 and 12 (**Email No.2 dated 13 October 2022**) for the 2 financial reports I have commissioned personally, as mentioned above, and have been shared with the directors of Say No To Sunnica Action Group Ltd of which I am a committee member.

**5.13** Also Appendix No 13 (**Email No.2 dated 13 October 2022**) for a summary of questions that require answers from the Applicant before the end of the 6 month examination period 28<sup>th</sup> March 2023.

**5.14** In addition to the content of the 2 professional reports I wish to comment on the Sunnica Capital cost of £600 million quoted under Sunnica Energy Farm Costs page 5 2.2.1.

**5.15** Comparison has to be made with the Cleve Hill project of 900 acres compared to Sunnica 2,800 acres.

**5.16** The Cleve Hill capital cost was estimated at £400 million but Sunnica is 3 times the size, has 15km of cable to the grid connection whereas Cleve Hill was adjacent to the grid connection. Cleve Hill had 1 small BESS site whereas Sunnica has 3 large sites with a total of 75 acres. The Sunnica site has an estimated 1.1 million solar panels, Cleve Hill had an estimated 840,000.

**5.17** Therefore Sunnica is quoting a 50% increase in the Capital cost for a development 3 times greater than Cleve Hill plus all the extra associated costs as referred to.

**5.18** This would relate to an estimated Capital cost for Sunnica in the region of £1 billion pounds.

**5.19** It is recommended before any final decision is made by the SOS that a firm of outside solar consultants gives an accurate figure to then be aligned to the 2 professional reports and the ability of this application to be funded.

## **5.20 FUNDING STATEMENT ADDITIONAL INFORMATION**

**5.21** This statement is in an entirely separate Chapter of the DCO.

**5.22** I refer to APP267 Outline Battery Fire safety Management Plan page 5 2.4 Contributors and Consultees and,

**5.23** Page 6a **Sunnica Ltd**. This states;

**5.24** “**Sunnica Ltd** is the developer for the project- **It is owned by PS Renewables**, a leading Engineering, Procurement and Construction (EPC) Company within the UK solar power sector and

**Tribus Clean Energy Ltd**, a solar developer that is currently developing 250MW of standalone BESS in Norfolk as part of a separate scheme.”

**5.25** This statement is incorrect and misleading to a reader. The same statement was used in the Consultation booklet inside cover 2020 and was equally misleading to the public.

**5.26 PS Renewables.** Is the trading name for Padero Solaer Ltd Co No 8021337. For details of this company in relation to Sunnica Ltd please refer to corporate structure, Accountant’s Report (Appendix 11 – **email No.2 dated 13 October 2022**).

**5.27 Tribus Clean Energy Ltd.**

**5.28** This company is a separate legal entity and has no financial link to Sunnica Ltd. The director is Marcus Luke Murray who also happens to be a director of Sunnica Ltd.

**5.29** The reference to the development of a 250MW standalone BESS site in Norfolk (location unknown), is in fact being carried out by a company of which Mr Murray is also a director, Lapwing Fen 11 Ltd. The latest accounts available at Companies House for year ending October 2020 show a deficit of £393,173. (2019 £260,532).

**5.30** This information contradicts that within the Funding Statement (Corporate Structure) page 4 2.1 to 2.1.5 and Accountants report and is therefore inaccurate.

## **APPENDIX NO 6 – BATTERY ENERGY STORAGE SYSTEMS (BESS), NATIONAL FIRE SERVICES AND LIVERPOOL FIRE REPORT**

### **I disagree with the installation of Battery Energy Storage Systems being part of the Applicant's Development Plans**

**My reasons are given below.**

#### **6.1 BATTERY ENERGY STORAGE SYSTEMS**

**6.2** Lithium-ion batteries have always been considered unsafe due to the risks of fire and explosion. They are NOT covered by C.O.M.A.H. regulations.

**6.3** A solar farm does not have to include BESS and can have purely solar PV panels to generate electricity for the Grid.

**6.4** BESS are added to enable an applicant to trade in electricity. This generates more profit and Sunnica have decided to include BESS in their application to import and export electricity at the maximum price and to maximise profit.

**6.5** Li-ion BESS are well known to suffer from the phenomenon of “Thermal runaway” (popularly but incorrectly known as “battery fires”) in which cells breakdown uncontrollably and failures propagate from cell to cell and module to module.

**6.6** At the time of the Cleve Hill examiner's report in the period 30<sup>th</sup> May 2019—30<sup>th</sup> November 2019 there were recorded BESS fires as follows.

- 2017 Belgium Drogenbos
- 2018/19 South Korea 21 fires
- 2019 Arizona McMillen facility.

**6.7** Since the completion of the examination at Cleve Hill 30<sup>th</sup> November 2019 the following BESS incidents have occurred up to the 13<sup>th</sup> October 2022.

- 2020 UK – Liverpool: 15th September Carnegie Rd Orsted development. Battery fire.
- 2021 China – Beijing: April Explosion occurred as firefighters were dealing with a fire in a 25MWh lithium-ion phosphate battery associated with a 1.4mw rooftop array at a shopping mall in the Chinese Capital. 2 firefighters were killed, 235 firefighters were despatched, 47 fire trucks from 15 stations.
- 2021 USA - Illinois June: Fire occurred in a warehouse containing 80/100 tons of lithium batteries. 3000 people evacuated in a 10 mile radius that included 1,000 homes.
- 2021 Australia – August: Australia Tesla Megapack Victorian Big Battery fire.
- 2021 USA – September: Moss Landing Overheating incident at worlds biggest BESS Phase 1
- 2022 USA – February: Moss Landing Incident in Phase 2
- 2022 USA – February: The world's largest BESS installation Phase 1 and 2 at Moss Landing California closed down indefinitely.
- 2022 USA – September: BESS fire at Tesla Megapack in Moss Landing Monterey California

**6.8** This provides overwhelming evidence BESS are unsafe.

**6.9** There have also been reports from academics since 2019 to date to confirm the statement that BESS installations are unsafe and a threat to the health and safety of human beings.

- 2019 Dr Bruno Erasin who recommended a 10 mile limit from BESS to nearest residential property. This is confirmed with the Illinois incident where an evacuation zone of 10 miles was in place.
- 2021 30th March report on Hazard Assessment of BESS by Ian Lines of Atkins Ltd for Health and Safety Executive Northern Ireland. **(Please see Email No. 4 dated 13 October 2022)**
- 2021 June 5th report headed "Safety of Grid Scale Lithium-ion BESS by: Euring Dr Edmund Fordham M.A. PhD Cphys CEng FInstP Fellow of the Institute of Physics; Dr Wade Allison M.A. DPhil Professor of Physics, fellow of Keble College, Oxford University; and Professor Sir David Melville CBE FInst Professor of Physics, former Vice-Chancellor University of Kent. **(Please see Email No. 4 dated 13 October 2022)**
- 2021 25th August Report fire risk BESS Peter Chesterfield and comment by Julian Preedy IEng MIET MBCS, SIRM, MCI Arb, AIFireE Director and principal Risk Engineer Sphere Guardian.
- 2021 13th November Professor Paul Christensen, Professor of Applied Electrochemistry at Newcastle University and the country's foremost expert on Li-ion battery safety. This academic is now Senior Advisor to the National Fire Chiefs Council (NFCC).

**6.10** The scale and generating capacity of each of the 3 Sunnica BESS sites is unknown as Sunnica insist that they must have flexibility in design and technology as per The Statement of Reasons page 2-11. It is imperative for academics to calculate the risk factor and that this information is forthcoming prior to a decision by the SOS. However 3 individual sites, total 75 acres, gives an idea on the scale of a catastrophe.

**6.11 NATIONAL FIRE SERVICES.**

**6.12** I refer to my above comments and the report of the 5<sup>th</sup> June 2021 by the 3 Academics and their Executive Summary item 7 which states;

**6.13** "Lacking oversight by the HSE, the entire responsibility for major accident planning currently lies with local Fire, Rescue Services. Current plans may be inadequate in respect of water supplies or for protection of the public against toxic plumes."

**6.14** It is also the responsibility of the local Fire Service Chief to agree the battery safety plan with an applicant. A huge responsibility without adequate training or knowledge of modern technology.

**6.15** There is no national training plan for training firefighters for a BESS fire and/or explosion. Evidence of this is available in a report to me from the NFCC Lead Officer Alternative Fuels and Energy Systems, Matthew Deadman in a communication dated 14<sup>th</sup> May 2021. In this he says;

- “The NFCC works to drive sector improvement but does not have a role in instructing individual fire and rescue services, or local planning matters.”
- This is evidence that for England and Wales and Scotland in which there are 51 County Fire regions, the NFCC has no national policy for training fire fighters for BESS fires and explosions.
- In September 2020 The Fire Service College, (Mr John Boswell) confirmed to me that no such training takes place at their Headquarters.

#### **6.16 LIVERPOOL BESS FIRE**

**6.17** This occurred on the 15<sup>th</sup> September 2020 at the Danish Company’s Orsted Carnegie Road Liverpool installation. It had been commissioned only in 2019.

**6.18** This site falls under the Merseyside Fire and Rescue Services (MFRS) region and that service attended the fire.

**6.19** The Chief Fire Officer for that region is Phil Garrigan OBE also a deputy chair of the NFCC and a man with a distinguished career within the National Fire Service.

**6.20** However as a man holding the highest office in his region he has failed to ensure that within an 18 month period MFRS had not issued a fire report on the Carnegie Rd BESS incident. This was due by the end of February 2021. It is also noted from MFRS correspondence under the Freedom of Information Act that he did not ensure a Battery Energy Safety Plan was agreed with the developer Orsted before commissioning of the plant at Carnegie Road Liverpool.

**6.21** Since Feb 2021 I have been recorded at MFRS as being an interested party under the Freedom of Information Act Ref no FOI/13/2021 for a copy of the fire report and correspondence. This is a diary of my events;

- 15th September 2020 - Date of fire.
- 29th September 2020 - Mr Garrigan receives a copy letter from me to the Chair of the NFCC re BESS fires and risks.
- Feb 2021 - My registration re FOI.
- 28th Feb 2021 - Fire report due.
- 26th November 2021 - I write a formal complaint to Mr Garrigan re non receipt of report.
- 11th Jan 2022 - I receive a reply to my complaint from Dave Watson.
- 17th Jan 2022 - I appeal against their decision.
- 16th Feb 2022 - Reply to my appeal from Brian Massie.
- 1ST March 2022 - Complaint re MFRS to Information Commissioners Office (ICO) Case Ref No IC-159503-R7G6.
- 4th July 2022 - MFRS (Deb Appleton Director of Strategy and Performance) writes to me re ICO involvement and provides further information but still refuses to share what they term is sensitive information. She confirms MFRS had No Battery Safety Fire Management Plan agreed with Orsted.

- 11th July 2022 - I escalate my complaint with MFRS to their senior solicitor Ria Groves demanding ALL information is disclosed to me. Copy correspondence to ICO. Matt Hancock MP advised.
- 6.22** As at the date of this report no further communication has been received from the senior solicitor at MFRS, no report is available from Orsted London Office and the ICO have still not appointed an Investigator into my complaint.
- 6.23** The 2 fire reports were received from MFRS on Thursday 17<sup>th</sup> March 2022. **(Please see Email No.3 submitted dated 13 October 2022)**
- 6.24** A letter from Orsted London office 10<sup>th</sup> March 2022 to me states the work to clear the site was completed in July 2021 and was coordinated with MFRS. They refuse, after many requests, and now 2 years since the fire, to issue me with their own Company fire report after repeated requests in 2022.
- 6.25** This demonstrates very clearly, and provides evidence, that BESS Fire safety should not be delegated to County Fire Chiefs and there should be a National Policy by the NFCC.
- 6.26** This is further supported by statements in the 2 above MFRS Fire reports as follows;
- “The explosion risk is significant. Risk to emergency responders.
  - The presence of residential premises adjacent to the Carnegie Rd site raises concerns regarding “off-site potential” from fire risks at BESS sites to local communities.
  - The need for a Hazardous Material Environmental Protection Officer to be present.
  - No operational response for site.
  - Fire hydrants in some cases had been decommissioned.
  - The list of recommendations in the Significant Incident Report item 7 states “The following recommendations are made to assist the Industry in the Management of BESS sites. They should be considered in full by those responsible for the Management and Regulation of sites under their control, AND PRIOR TO ANY FUTURE PROPOSAL.
  - I have been unable to identify the root cause of the failure within module 6. Signed Station Manager Incident Investigation Team 8th Feb 2022.”
- 6.27** This section provides evidence that the Sunnica request for their BESS installations has to be declined. It also provides evidence that MFRS and Orsted (A Danish Company) are deliberately withholding vital sensitive information re BESS fires to the British public. This is of major concern.
- 6.28** To summarise, the 2 reports from MFRS highlight grave errors of judgement in dealing with the fire with little or no cooperation from Orsted. The fact the cause of the fire is still unknown causes major concern to the British Public.



## **APPENDIX NO 7 – SOLAR PV PANELS**

**I agree with solar PV panels used on a small scale, but disagree with the Applicant's Development Estimate of 1.1 million as being acceptable and 13 feet in height.**

**My reasons are given below.**

- 7.1** APP 035 Scheme description page 3-16 3.4.7. States that the number of panels is not known and flexibility and future technology developments must be considered. This is also reiterated in The Statement of Reasons page 2-11 Solar panels and BESS
- 7.2** 12<sup>th</sup> Nov 2020 Sunnica advised me that the panels will be positioned south-facing and in rows running from East to West. This indicates an East- West orientation as per the design at Cleve Hill.
- 7.3** In early Jan this year I asked Sunnica for clarification and they replied on the 13<sup>th</sup> Jan 2022 that the information is in the DCO but again could not advise the number of panels.
- 7.4** The number of panels is a critical factor for the communities affected to determine the adverse effect on the landscape and the concerns with Glint and Glare.
- 7.5** However in a webinar during the consultation period 2021 when asked by a resident on the number of panels Sunnica gave a figure of 1.1million for purely south facing.
- 7.6** Based on Cleve Hill East-West orientation of 840,000 panels as published, for Sunnica at double the developable acreage, the figure would be in the region of 1.7 million.
- 7.7** Therefore the communities need to know the exact number before the SOS gives his decision. The flexibility and future technology should not be used as an excuse not to provide an answer.
- 7.8** Greenmatch in an article 18<sup>th</sup> December 2020 states that during the life of photovoltaic panels a 20% decrease in power capacity might occur. Between the first 10-12 years the maximum decrease in efficiency is 10% and 20% when reaching 25 years.
- 7.9** If Sunnica were to consider an East-West orientation then a further 15% decrease in efficiency is noted as advised by Sheffield University.
- 7.10** Another important topic is the fact Sunnica are sourcing their solar panels from China. Myself, and the communities, in the Sunnica catchment area are concerned about ethical sourcing.
- 7.11** On the 13<sup>th</sup> February 2022 The Times ran an article "Dominic Raab rips up solar contract linked to Uighur slavery. A multimillion contract to install solar panels on dozens of prisons and courts."
- 7.12** The Sheffield Hallam University issued a report in May 2021 headed "In Broad Daylight: Uyghur Forced labour and global supply chains" The authors were Laura T. Murphy and Nyrola Elima.
- 7.13** The executive summary lists names of the companies involved with Xinjiang province and in the supply chain. It is felt this should form an important part of the Inspector's brief.

## **APPENDIX NO 8 – DECOMMISSIONING**

### **I disagree with the limited detail given by the Applicant**

#### **My reasons are given below.**

**8.1** In a Sunnica consultation webinar in 2021 a resident asked the question to the 2 directors;

**8.2** “Will you be on selling the site after securing the DCO?” The reply was;

**8.3** “Owners today won’t be the same throughout”. This means Mr Hazell and Mr Murray will have no personal or legal liability to decommission.

**8.4** Not a comforting thought for my children and grandchildren.

**8.5** APP 125 para 6.2 is The Environmental Statement “Framework Decommissioning Environmental Management Plan” consists of 39 pages of technical information and virtually a duplicate of the Construction plan.

**8.6** Sunnica have failed to recognise the fundamental principles of what is required at the planning stage when submitting their DCO.

**8.7** The UK is way behind other countries in taking steps to ensure communities now, are safeguarded against decommissioning 40 years hence. In the States, Solunesco review of Counties solar decommissioning requirements in Virginia, updated 14<sup>th</sup> March 2019, version 5 states that at the planning stage vitally important decommissioning information should be considered and the decommissioning plan submitted by a developer should include;

- The anticipated life of the plan.
- The anticipated present value cost of decommissioning
- An explanation of the calculation of the cost of decommissioning.
- The physical plan for decommissioning.
- A surety to cover the cost.

**Sunnica have failed in all of the above.**

**8.8** Solunesco then makes 3 key considerations with respect to decommissioning costs.

- The estimate should be produced by a licenced engineer.
- The solar industry needs to set standards by which these estimates are created.
- Costs need to be updated every 5 years.

**8.9** An International Trade Administration Market Intelligence article Heading “Japan Decommissioning Reserve proposal” discusses a mandatory new regulation to be rolled out in 2022.

**8.10** I now refer to the House of Commons Briefing paper No 07434 dated 16<sup>th</sup> December 2015 para 3.5 Harvesting the Sun- Closing down a solar farm. The author is Sonya Bedford partner and Head of Renewable Energy at Stephen Scown LLP solicitors in Exeter.

**8.11** In this article she comments that Bonds should be put in place to cover the costs of removing the site. Under the heading “How can lawyers assist in the creation of this strategy” she refers to the creation of a bond or escrow account for funds for the decommissioning or transfer of ownership of equipment and recycling.

**8.12** The heading “What are the key legal considerations when looking at decommissioning/closing down a solar farm?” include;

- The reinstatement bond
- Ownership of equipment
- Good operation and maintenance (O&M) contracts, and
- The valuation of the site during the term.

**8.13** Again all items are missing from the Sunnica proposal.

## **APPENDIX NO 9 – GREEN ENERGY**

### **I agree with green energy but with an alternative to Solar/BESS on farmland**

#### **My reasons are given below.**

- 9.1** The Sunnica DCO quotes the importance of their “solar development” for the country to meet its zero carbon emissions.
- 9.2** In Jan 2021 the Prime Minister at the time, Boris Johnson, announced a huge investment in wind power which also has a spin off for the production of green hydrogen.
- 9.3** However green hydrogen is becoming more advanced with Australia taking the lead and this new form of energy will soon replace Solar panels in the UK.
- 9.4** On the 18<sup>th</sup> March 2021 The Solar Power Portal states Governments across the world have put hydrogen at the centre of their decarbonisation plans. “Green Hydrogen is the fuel of the future”. According to studies the life expectancy of solar panels is about 30 years before decommissioning and there is also a massive decrease in their efficiency over that period. There is also a problem with ethnical sourcing of solar panels.
- 9.5** In September 2021 The Government published its Hydrogen Strategy and the goals to be achieved by 2030.
- 9.6** In Oct 2021 JCB (Lord Bamford) announced its huge investment in green hydrogen and the exclusive rights to import 10% of the product from the Australian firm Fortescue Future Industries (FFI). JCB will start production this year of the first green hydrogen powered excavators.
- 9.7** Ryse Hydrogen owned by Lord Bamford’s son owns Northern Irelands Bus giant Wrightbus and they have successfully produced green hydrogen powered double decker buses and the first of those was launched by the Mayor of London in June 2021 for use on London routes.
- 9.8** This is evidence of the swing away from Solar PV which is being encouraged by the Government and therefore the technology planned by Sunnica will very soon become outdated.

## **APPENDIX NO 10 – GRID CONNECTION**

### **I disagree with this grid connection due to the cable distance from the Substation at Burwell.**

#### **My reasons are given below.**

- 10.1** In October 2019 Smith Brothers Contracting Ltd was confirmed as ICP for Sunnica Energy Farm. In a statement released on the 21st Oct 2019 it comments “but the project isn’t without its challenges, with a proposed 16km of cabling.”
- 10.2** The Cleve Hill Examiners report 28th Feb 2020 page 69 para 5.3.17 states 5km is the area beyond which the grid connection becomes uneconomic. At that site the grid connection was adjacent to the solar development whereas for Sunnica the distance is, they say, 15km therefore 3 times beyond which the grid connection becomes uneconomic.
- 10.3** Sunnica have refused to advise the community of the electrical capacity of each BESS and substation making it difficult for experts to make calculations on any risk factor or the viability of their scheme as to the efficiency of the 16km cable connection.
- 10.4** I have requested a leading UK power supplier to give an opinion on the cable route efficiency in excess of 5km and this is quoted in a letter to me dated 29th July 2022 from Mark Tanner, Business Development Manager UK Power Systems UK Ltd of Bristol.
- 10.5** “Loss of efficiency (commonly referred to as Transmission or Cable Loss) is distance dependent but more than anything it would be conductor of cable resistivity related, based on 500MW of solar plus BESS (unspecified capacity)”
- 10.6** It is considered prudent to obtain an independent assessment on this 16km cable route and loss of efficiency and Sunnica requested to release to the Inspectorate the unspecified electrical capacity of the BESS and Substations.
- 10.7** On the 17th March 2022 Lawyers for National Grid wrote to the Planning Inspectorate to have Option 1 removed from the DCO. A one month consultation then followed by Sunnica which ended on the 6th July 2022 as they wanted to make changes to the DCO to have Option 2 and 3 included.
- 10.8** It was then apparent that Sunnica on the 18th November 2021 had issued the DCO to the Planners without any written agreement from National Grid as to the connection at Burwell substation.
- 10.9** On the 12th July 2022 I received a letter from National Grid after I had requested sight of correspondence between them and Sunnica from early 2019 to June 2022 under the FOI Act.
- 10.10** As they were not covered by that Act they replied as a request under the Environmental Information Regulations 2004 (EIR) and relied on Regulation 12(5) (d) and 12(5) (e) to withhold certain information.

- 10.11** What was included was evidence that in addition to the letter they sent in April 2019 re The Scoping Opinion they advised Sunnica in July 2019 of their strict rules of being consulted on all aspects of the connection to the Burwell substation BEFORE the DCO was submitted.
- 10.12** I quote *“National Grid request to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO Application to safeguard the integrity of our apparatus and to remove the requirement for objection.”*
- 10.13** On the 16th December 2020 they requested Sunnica for further discussion ASAP—Ahead of the DCO.
- 10.14** On the 9th July 2021 they asked Sunnica for further discussion ahead of the DCO
- 10.15** On the 18th Nov 2021 Sunnica issued the DCO to the Planning Inspectorate.
- 10.16** The National grid response to me of the 12th July 2022 also draws my attention to the Grid Connection Statement which is included in the DCO Application, paragraph 6.1.3 which sets out the position at that time regarding option 1.
- 10.17** I request the Inspectors check the full details of the Grid Connection chapter in the DCO to establish if what the National Grid has advised me of means Sunnica has acted irresponsibly in the submission of the DCO.

## **APPENDIX NO 11 - FUNDING STATEMENT CHARTERED ACCOUNTANT'S REPORT: UK COMPANIES**

Please see attachment to email No 2 dated 13<sup>th</sup> October 2022

## **APPENDIX NO 12 - FUNDING STATEMENT FINANCIAL ANALYST'S REPORT: SPANISH PARENT**

Please see attachment to email No 2 dated 13<sup>th</sup> October 2022

## **APPENDIX NO 13 - FUNDING STATEMENT SUMMARY OF ANSWERS REQUIRED TO QUESTIONS**

Answers are required from the directors of Sunnica Ltd (The Applicant) or their auditors as follows;

**13.1** Details of insurance policy for the development and public liability amount.

**13.2** Confirmation that the 3 dormant companies Sunnica Farm Ltd, Sunnica Energy Farm Ltd and Sunnica Energy Ltd were dormant at their year end 31<sup>st</sup> October 2022 as accounts are not due at company's house until July 31<sup>st</sup> 2023.

**13.3** Draft accounts for the 4 UK companies for their financial year ending 30<sup>th</sup> April 2022 are made available now, which are not due at Companies House on the 31<sup>st</sup> January 2023.

Namely Sunnica Ltd, Jigg FM UK Ltd, Solaer UK Ltd and Padero Solaer Ltd.

**13.4** The balance sheet of Sunnica Ltd as at 30<sup>th</sup> April 2021 appears to hold stocks of £4,707,783 which has risen by over £2.7 million since April 2020. As the company is not trading in the proposed development and has not received planning consent, what does this stock figure represent?

**13.5** What is the stock figure as at 30<sup>th</sup> April 2022?

**13.6.** In September 2023 Sunnica Ltd has to repay a credit line of £2, million to Jigg FM UK Ltd. The amount outstanding inclusive of interest as at 31<sup>st</sup> December 2020 in the Solaer Holding S L and Subsidiaries Auditors report by Deloitte was 3,million euros (approx£2.7million) and will further increase between 31<sup>st</sup> December 2020 and September 2023 with interest added at 4%.

How will Sunnica Ltd repay? The site will not be operational.

**13.7** A set of full year accounts for 2021 for Solaer Holding SL and Subsidiaries should be made available now, and ideally 2022 interim accounts before the close of the examination in March 2023.

**13.8** A breakdown of the £7million Sunnica state has been transferred from the parent Solaer Holding SL. 2.3.3 page5 and to include what land Sunnica Ltd has purchased prior to planning consent.

**13.9** Item 2.3.5 this is unclear if Solaer Holding will operate the scheme for the full 40 year period and be responsible for decommissioning and the cost, which is not included in the funding statement, or who will be responsible.

**13.10** Can a viability study of the scheme be produced?

**13.11** A breakdown of significant costs referred to is required. 2.3.3 page 5

**13.12** Confirmation that a mistake has been made in APP 267 page 5.2.4 Outline Fire Safety Management Plan where it is stated one of Sunnica's Owner is Tribus Clean Energy Ltd.

**END OF REPORT**