

SUNNICA ENERGY FARM

EN010106

8.59 Written Summary of Applicant's Oral Submissions at the Open Floor Hearing 1 (OFH1) on 6 December 2022 and Open Floor Hearing 2 (OFH2) on 9 December 2022

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010



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Table of contents

Chapter	Pages
Table of contents	1
Chapter	Pages
1. Introductory remarks	2
2. Written summary of the Applicant's oral submissions at Open Floor Hearing 1 (OFH1) on Tuesday 6 December 2022	2
3. Written summary of the Applicant's oral submissions at Open Floor Hearing 2 (OFH2) on Friday 9 December 2022	5
4. Summary of specific issues raised by interested parties at both OFH1 and OFH2 and the Applicant's response	7
5. Summary of wider issues raised by interested parties at both OFH1 and OFH2 and the Applicant's response	9

1. Introductory remarks

1.1 Introduction

- 1.1.1 This document sets out a summary of the Applicant's oral submissions made at Open Floor Hearing 1 (OFH1) on 6 December 2022 and Open Floor Hearing 2 (OFH2) on 9 December 2022, at sections 2 and 3 respectively.
- 1.1.2 This document also addresses discrete elements of certain specific submissions made by interested parties across both hearings, so that the Applicant can clarify any inaccuracies and/or uncertainties. These are set out at section 4.
- 1.1.3 Any of the wider issues/themes which were raised by multiple interested parties (for example, the safety of the battery and energy storage system (**BESS**)), as set out briefly at section 5, are not the focus of this submission. Those matters were dealt with either in the Issue Specific Hearings, other written submissions made by the Applicant at Deadlines before OFH1 and OFH2, or are being responded to at Deadline 4.

1.2 Scheme overview

- 1.2.1 There were various references made by interested parties at OFH1 and OFH2 in relation to the size and scale of the Scheme. To be clear, the overall main site has a total of 983 hectares (**ha**) (2,429 acres) which includes 'developable' and 'non-developable' area. Out of this, 621 ha (1,535 acres) of land only is 'developable area', which includes the solar PV and BESS infrastructure. The remaining non-developable area is required for the purposes of mitigation.
- 1.2.2 Also, for clarity, the existing proposed Scheme contains the following four sites only:
 - (a) Sunnica East A;
 - (b) Sunnica East B;
 - (c) Sunnica West A; and
 - (d) Sunnica West B,in addition to the cable route.
- 1.3 However, the upcoming change application proposes to remove Sunnica West B from the Scheme. As such, the Applicant is applying for the Scheme to cover three sites only (Sunnica East A, Sunnica East B and Sunnica West A).

2. Written summary of the Applicant's oral submissions at Open Floor Hearing 1 (OFH1) on Tuesday 6 December 2022

- 2.1 The OFH1 was held at 19:00pm on 6 December 2022 as a blended event at King Edward VII Memorial Hall, High Street, Newmarket, Suffolk CB8 8JP and by virtual means using Microsoft Teams.

2.2 Richard Griffiths, on behalf of the Applicant, thanked those who made oral submissions. Mr Griffiths then submitted that many of the issues raised have been raised already in Relevant Representations and Written Representations to which the Applicant has responded at Deadline 1 and Deadline 2.

2.3 Where any new issues have been raised, the Applicant will either respond at Deadline 4 or, on receipt of oral summaries from tonight's participants, at Deadline 5. Mr Griffiths also reassured that many of the topics raised by the interested parties will be explored in more detail at the Issue Specific Hearings.

2.4 **Need, size and alternatives**

2.4.1 Mr Griffiths stressed the need for the Scheme and the necessity of the large size of the Scheme. The UK has a legal commitment to achieve net zero by 2050 and the decarbonisation of UK electricity generation is an essential step to make this achievement. The need case for the Scheme is therefore built upon the contribution of the Scheme, being a Renewable Energy Scheme, to the three important national policy aims of net zero and the importance of deploying zero-carbon generation assets at scale; security of supply and affordability of electricity supplies.

2.4.2 Mr Griffiths added that the Applicant agrees that solar panels should be located on residential and commercial rooftops. However, the Statement of Need [APP-260] prepared by the Applicant explains why large-scale ground mounted solar developments, such as the Scheme, are needed **in addition** to other generation technologies and smaller scale developments, such as rooftop mounted solar panels. Smaller scale generation developments will not be sufficient to meet the Government's objectives and commitments for a secure, affordable and zero carbon energy system.

2.5 **Loss of agricultural land, criticism of ALC survey and food security**

2.5.1 Mr Griffiths also addressed the suggestions made around loss of agricultural land and the concerns about the potential loss of food security. The application reports that over 96% of land being used as part of the Scheme is classified as Grade 3b, Grade 4 or as not in agricultural use.

2.5.2 Mr Griffiths added that the ALC assessment presented for the Sunnica application is a combination of survey work by three organisations. The results of the three separate surveying organisations are consistent. All three survey providers used the current ALC methodology (MAFF October 1988). Daniel Baird, the Applicant's soil consultant, is an experienced soil surveyor whose professional experience in ALC survey dates back three decades to his time with the former MAFF ALC survey team.

2.5.3 In terms of food security, temporary use of this land for renewable energy with livestock grazing would not have a significant impact on UK food security. The Defra 2021 food security report highlights soil degradation and climate change to be among the most significant threats to national food security. As well as addressing climate change, the reversion of arable land to grass for 40 years will allow soil health to recover.

2.6 **Battery storage – need and fire risk**

2.6.1 In relation to the BESS, Mr Griffiths submitted when the sun shines cannot be controlled, and nor can solar power stations control when the energy they generate will be needed. A measure, such as BESS, must therefore be introduced to ensure that if energy is generated when it is not needed that it can be stored for later use. Such a measure will accelerate the UK's decarbonisation progress, ultimately optimising the capacity of renewable generation required reliably to meet demand. The BESS supports the operation of the principal solar development by providing the ability to store the Applicant's solar generation when it is not needed and releasing it when it is needed.

2.6.2 In relation to the fire risk concerns, Mr Griffiths indicated that safety is a specific issue to be dealt with in detail by experts at Issue Specific Hearing 3 on Thursday 8 December 2022. However, in short, the Application proposes mitigation which reduces the risk to as low as is reasonably practicable due to the fire suppression system that will be installed along with the passive fire safety measures. The safety measures proposed for the BESS have been outlined in the Outline Battery Fire Safety Management Plan [REP2-032]. The measures outlined in this document have been agreed with the Suffolk Fire and Rescue Services.

2.7 Design, infilling between villages and industrialisation

2.7.1 Mr Griffiths stated that the Applicant's Scheme design has been informed by consultations. As set out in the Design and Access Statement [REP3A-032], the design of the Scheme has evolved over a six-year period from the initial feasibility study in 2015 to the DCO application submission in 2021. The design of the Scheme has been informed by consultation responses and by baseline studies, including considering the visual effects of the scheme and any potential impacts on heritage, archaeology and ecology.

2.7.2 Mr Griffiths referred to comments made to the Scheme being unique because it is split across sites. Whilst this may be the case against consented Nationally Significant Infrastructure Projects, there are some schemes (such as the Cottam Solar Project by Island Green Power) which are in the system currently which adopt a similar approach. Therefore, it was incorrect of Say Not to Sunnica's Counsel to suggest this approach is unique.

2.7.3 Mr Griffiths added that the Scheme primarily comprises solar PV arrays which are a maximum of 2.5m high above ground level. Due to the relatively flat landscape and abundance of mature vegetation on settlement boundaries, existing visual connections between settlements within the study area are limited. However, where they do exist no solar development is proposed such as between Chippenham and Freckenham.

2.7.4 Further, new and enhanced Green Infrastructure is a key feature of the Scheme, providing an attractive and biodiverse landscape framework within which the built elements of the Scheme will be integrated. The design also includes substantial offsets, approximately 30% of the Scheme, for proposed built elements from field boundaries to maximise the effectiveness of existing vegetation in providing visual screening, which will enclose and screen these built elements in most locations.

2.8 Ecology, BNG and Stone Curlew

2.8.1 Mr Griffiths submitted that, in relation to Biodiversity Net Gain, using Defra's Biodiversity Metric 3.0, the Scheme will result in approximately 83% gain of habitat units, approximately

16% gain in hedgerow units and approximately 1% gain of river units. A further update to this document, utilising Metric 3.1, will be submitted to the Examination in due course.

2.9 Closure of Public Rights of Way (PRoW) and human health

2.9.1 Mr Griffiths submitted, on behalf of the Applicant, that there are eight PRoWs which are required to be temporarily closed during the construction period. The Scheme has been designed to minimise the number of PRoW closures and the length of time required for each closure. The PRoWs are not expected to be closed all at the same time. The PRoWs are expected to be closed for no more than three weeks which is considered the worst-case scenario.

2.9.2 In addition, three permissive routes are being proposed as part of the scheme post-construction.

2.9.3 Following that mitigation, no likely negative residual human health effects have been identified for the Scheme.

2.10 Decommissioning

2.10.1 The DCO requires that the Scheme is decommissioned 40 years from the date of final commissioning. This process will include the need to have a decommissioning environmental management plan in place (as secured by the DCO), to be approved by the relevant planning authority, which will include matters such as soil management, landscape and ecological elements. Ultimately, upon de-commissioning, the land will be returned to the current landowners, who will then decide how the land is managed moving forward. Mr Griffiths highlighted that breach of a DCO is a criminal offence.

2.10.2 Details on the activities and measures to be taken forward during decommissioning are provided in Chapter 3: Scheme Description of the Environmental Statement [APP-035] and Appendix 16E Framework DEMP of the Environmental Statement [APP-125]. The Framework DEMP will form the basis of the detailed DEMP, which will be produced prior to decommissioning.

2.11 The hearing closed at 21:15.

3. Written summary of the Applicant's oral submissions at Open Floor Hearing 2 (OFH2) on Friday 9 December 2022

3.1 The OFH2 was held at 10:00am on 9 December 2022 as a blended event at King Edward VII Memorial Hall, High Street, Newmarket, Suffolk CB8 8JP and by virtual means using Microsoft Teams.

3.2 Richard Griffiths, on behalf of the Applicant, reiterated that many of the issues raised have been raised already in Relevant Representations and Written Representations to which the Applicant has responded at Deadline 1 and Deadline 2.

3.3 Where any new issues have been raised, the Applicant will either respond at Deadline 4 or, on receipt of oral summaries from tonight's participants, at Deadline 5.

3.4 Mr Griffiths informed those present of a document submitted at Deadline 3A which summarised the Applicant's proposed four changes to the Application. The relevant document being the Update by the Applicant on Heritage Matters and Substation Connection [REP3A-037]. The four changes are as follows:

- (a) the removal of the proposed new substation at Burwell. This is known as Option 2 in the Application and its removal will also involve the removal of the request of compulsorily acquiring freehold land for the substation. The effect of this change, which has been referred to when the first changes application was submitted, is that there will be no new substation at Burwell;
- (b) the removal of Sunnica West B in respect of solar PV and corresponding mitigation;
- (c) the introduction of a 50m by 50m exclusion zone around the crater of the B-50 bomber crash site close to Isleham; and
- (d) the removal of approximately 2.39ha in the northern part of field W04 (as shown numbered on the Parameters Plan [APP-136]) of the Scheme.

3.5 Mr Griffiths then summarised the Applicant's response to the key themes raised in OFH2, which largely repeat the Applicant's position submitted orally at OFH1:

3.5.1 **Need, size and alternatives** – Mr Griffiths raised the points made at OFH1 (see 2.4 above).

3.5.2 **Loss of agricultural land, criticism of ALC survey and food security** – Mr Griffiths raised the points made at OFH1 (see 2.5 above). Mr Griffiths also added that Natural England has confirmed that the Applicant's soil specialists have provided clear justification for their assessment and assumptions and have demonstrated to Natural England their competence in undertaking ALC assessments. Natural England has also confirmed that as the Scheme is temporary and the Scheme is unlikely to lead to significant permanent loss of BMV Land. Therefore, not only is the Scheme on 96% of non-BMV Land but of the BMV Land that is present Natural England's conclusion is that it will not be lost.

3.5.3 **Battery storage – need and fire risk** – Mr Griffiths raised the points made at OFH1 (see 2.6 above).

3.5.4 **Design, infilling between villages and industrialisation** – Mr Griffiths reiterated that the Applicant has undertaken an iterative design process as discussed at OFH1 (see 2.7.2.7 above). The Applicant has updated the Scheme subsequently to reflect relevant feedback. For example, the Applicant's proposal to implement the 30% offsetting mechanism mentioned at OFH1 (see 2.7.4 above).

3.5.5 **Landscape and visual impacts (LVIA) and impacts on the Horse Racing Industry (HRI)** – Mr Griffiths, on behalf of the Applicant, stated that during the session we had heard people raise the views from the Limekilns. The Applicant reports in the ES that there will be an impact – it is accepted that solar panels will be visible. However, the impact must be looked at through the lens of planning policy. The Limekilns are not protected, and the views are not protected in national or local policy – it is non-designated landscape. The Horse Racing

Industry may have economic interests regarding the Limekilns, but it does not follow that that economic interest gives the landscape a value in policy terms.

3.6 **Closure of Public Rights of Way (PRoW) and human health** – Mr Griffiths raised the points made at OFH1 (see 2.9 above). In addition to the three permissive paths currently proposed, the Applicant has suggested a fourth permissive path too. The Applicant is also negotiating a monetary fund to be provided to the local authorities for the creation of a further PRoW.

3.7 **Decommissioning** – as raised at OFH1 (see 2.10 above), Mr Griffiths confirmed that the maximum length of the Scheme is 40 years which is secured through the DCO. Therefore, the Scheme is temporary in nature.

3.8 The hearing closed at 13:01.

4. Summary of specific issues raised by interested parties at both OFH1 and OFH2 and the Applicant's response

4.1 This section summarises briefly any discrete elements of individual submissions made at the open floor hearings, along with a response which the Applicant wishes to make in this written submission to rebut any inaccuracies.

Open Floor Hearing 1

4.2 Freckenham Parish Council raised that a four-year construction period is too long.

4.2.1 The Applicant wishes to clarify that the construction period for the Scheme is proposed as two years, not four, therefore the Council's concern does not apply. The indicative construction programme is outlined in Section 3.7 of Chapter 3 of the Environmental Statement [REP2-022]. Section 3.7.4 to 3.7.7 of Chapter 3 outline the indicative timescales for each of the principal sites; while 3.7.8 and 3.7.9 outline the programme for the substations and cable corridor, respectively.

4.2.2 A concern was also raised about the viability of the Applicant's proposals to replace any damage to listed buildings as a flint wall cannot be replaced. The Applicant wishes to respond that a Framework Construction Traffic Management Plan and Travel Plan [REP3A-007] has been prepared as part of the application. Construction traffic routes have been agreed with the local highway authority, which will be secured through the Construction Traffic Management Plan. HGV routes have been subject to swept path analysis to demonstrate that movements can be accommodated within the highway, and therefore damage to historic and domestic buildings is extremely unlikely. Internal haul routes will be kept well-maintained and free of imperfections that may cause perceptible levels of vibration to be generated. Effects during decommissioning will be similar or less than during construction and will be mitigated in the same manner as construction phase effects. There will be very limited numbers of HGVs required to access the site during the operational phase of the project, and therefore operational HGV traffic will not be an issue in this respect.

Open Floor Hearing 2

- 4.3 Lucy Frazer MP and Matt Hancock MP made reference to the Scheme being located over 5 sites. This is incorrect. There are currently 4 sites: Sunnica East A, Sunnica East B, Sunnica West A and Sunnica West B. This will shortly be reduced to 3 sites as discussed in paragraph 1.3.
- 4.4 Matt Hancock MP made representations that Sunnica had not been in contact with him. The Applicant does not consider this to be correct. The Applicant engaged with Matt Hancock MP throughout the consultation process prior to submission of the Application and has continued to engage with him throughout the Examination in his role as MP for West Suffolk. The Applicant has responded to requests to meet and held a briefing for a member of his parliamentary team on 19 November 2020 during the statutory consultation, which Matt Hancock MP was unable to attend. The Applicant also wrote to Matt Hancock MP during its non-statutory consultation on the change application held during June and July 2022 with an offer to meet. This offer was not taken up. The Applicant recognises that it was unable to attend a joint meeting held by Lucy Fraser MP and Matt Hancock MP on 15 October 2021 due to the short notice of the meeting that was given. The Applicant has offered to attend a future residents meeting with Lucy Fraser MP and Matt Hancock MP but to date this has not been arranged. The Applicant has publicised its contact details throughout the process and has remained open to enquiries and requests to meet where practicable.
- 4.5 Richard Tuke referred to his formal request to remove Freckenham Farm from the Scheme and implied that Freckenham Farm remains subject to compulsory acquisition (**CA**) powers. For the avoidance of any doubt, the Applicant can confirm that the Mr Tuke's land was removed from the Application for solar PV and BESS development pre submission save for that land which falls within Grid Connection Route A. An easement is sought over that land for the cable route only. Therefore, in terms of CA, the Applicant requires rights over that part of Mr Tuke's land that is within the cable corridor and not freehold.
- 4.6 Peter Moggridge, on behalf of Snailwell Parish Council, suggested that the proposed access route to Sunnica West Site B through a field gate off the Fordham Road north of Snailwell, which has been protected by a Traffic and Protection Order that prevents HGV access, is not suitable. Although the road can support much heavier vehicles than HGVs, it is a single-track route and therefore not suitable for access to Sunnica West Site B. The Applicant can confirm that this access route shall not be used as part of the Scheme, therefore the Council's concern does not apply.
- 4.7 Dr Edmund Fordham queried the benefits of the Scheme by reference to his own specific calculations and suggested that the annual output of the Scheme would equate to 66MW, which is significantly less than the 500MW proposed by the Applicant. The Applicant wishes to respond that the energy generation during the first year of operation is estimated to be 643,361 MWh as set out in the DCO submission Chapter 6: Climate Change [**APP-308**]. The reference to 500MW is for the available grid connection power capacity at the point of connection. The Scheme has been configured to make best use of that power capacity and will target exporting 500MW of power for as many hours as possible during the year.

- 4.8 Shazia Shujah, on behalf of Red Lodge Parish Council, raised that the Traveller Community have been unaware of the proposals due to a lack of communication and failure of the Applicant to properly consult. Ms Shujah suggested this amounts to discrimination of this ethnic minority. When the Applicant was notified that its correspondence sent to all addresses in consultation zone 1 had not been received by the Elms Road Traveller Community it checked its records and found that there is no address data held by Royal Mail for this location. The Applicant therefore erected a site notice at the location prior to submission of the Application and again following acceptance of the Application. The Applicant wrote to the owner of the land (in their capacity as an affected landowner) at their registered address during the consultation and following acceptance but did not receive a response.

5. Summary of wider issues raised by interested parties at both OFH1 and OFH2 and the Applicant's response

- 5.1 The Applicant acknowledges all the various points raised by interested parties across both OFH1 and OFH2. For example, in relation to the following (non-exhaustive) list of topics:

- (a) Scale and need;
- (b) Design;
- (c) Use of agricultural farmland;
- (d) Impact on the Horse Racing Industry;
- (e) Approach to consultation;
- (f) BESS (and related safety concerns);
- (g) Decommissioning and 'permanence' of the Scheme;
- (h) Landscape and visual impacts;
- (i) Heritage and local impact;
- (j) Transport and HGV access;
- (k) Human health;
- (l) Mitigation; and
- (m) Cumulative impact.

- 5.2 The Applicant does not intend to cover these wider topics in any more detail in this submission. Such concerns relevant to these topics are covered by the Applicant's already submitted evidence and/or will be dealt with in further written submissions.