

Date: 11 November 2022
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National Infrastructure Planning
Planning Inspectorate
Temple Quay House
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By email only to Sunnica@planninginspectorate.gov.uk

Dear Sir/Madam,

Sunnica Energy Farm

Written representation relating to LGC Campus on behalf of HPUT A Limited and HPUT B Limited

PINS Reference: 20031202

1 OBJECTION

1.1 This is a Written Representation made on behalf of HPUT A Limited and HPUT B Limited as trustees of the FHPUT Property Unit Trust ("**FHPUT**"), for whom we act, in relation to Sunnica Energy Farm (the "**DCO Scheme**").

1.2 It is made further to FHPUT's relevant representation of 15 March 2022.

1.3 **FHPUT OBJECTS to the DCO Scheme.**

2 APPENDICES

2.1 This Written Representation is accompanied by:

2.1.1 an assessment of transport, access and parking impacts by Caneparo Associates dated 11 November 2022 (the "**Transport Note**");

2.1.2 a review of noise and vibration impacts by Ion Acoustics dated 11 November 2022 (the "**Noise/Vibration Note**");

3 SUMMARY (AS PER PARA 6.3, ADVICE NOTE 8.4)

3.1 FHPUT objects to the DCO Scheme. FHPUT is the freeholder of land and buildings east of Newmarket Road, Snailwell, Newmarket where FHPUT's tenant, LGC, operates one of the world's largest bioanalytical facilities (the "**Campus**"). At the Campus, LGC uses highly sensitive equipment to carry out critical drug development and testing (including cancer treatments and asthma propellant testing) as well as specialised anti-doping analysis for the horse-racing industry, each of national importance.

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- 3.2 Sunnica is seeking wide-ranging powers in its DCO over a substantial part of the Campus to authorise the installation of the DCO Scheme's cables and associated works with construction, maintenance and decommissioning access rights over an existing access through the Campus and a staff car park to the rear. This includes temporary possession powers.
- 3.3 Even very short-term impacts will be potentially catastrophic for the activities that take place at the Campus, and adversely impact the testing and development of new medicines and the treatment of patients with rare medical conditions, as well as the UK horse-racing industry.
- 3.4 This is for a range of reasons but foremost because the pharmaceutical laboratories on the Campus utilise specialist equipment that is operational 24 hours, 365 days a year and is highly sensitive to vibration (including balances, mass spectrometers and gas & liquid chromatography). One exceedance of the acceptable vibration threshold for such equipment is sufficient to disrupt the activity and could be caused by a single HGV movement. The DCO authorises potentially unconstrained numbers of HGV and other vehicle movements along the Campus access road and within the rear car park.
- 3.5 At present, the Campus operates strict security controls required for its Controlled Drugs License via security gates and regulatory training for all persons accessing the site. It would not be feasible to replicate these arrangements for Sunnica's construction, maintenance and decommissioning traffic. The Campus is clearly fundamentally unsuited to conveying third party construction traffic of any scale, and yet Sunnica's application does not assess the impacts of construction noise and vibration on the Campus. The overall liability for any disturbance caused by the DCO Scheme under the compensation code would run into the millions and is not addressed in Sunnica's funding statement.
- 3.6 Sunnica has not properly assessed or understood the impacts of its proposed cable alignment and access strategy on the Campus, nor given sufficient consideration to reasonable alternative routes that could avoid these impacts. As such, Sunnica has failed to justify the proposed compulsory acquisition of the rights over the Campus. Sunnica's Environmental Statement describes the potential cable alignment routes that were considered, including "**Option 1**" which (a) was capable of not encroaching into the Campus or its access road and (b) did not appear to be constrained by technical, engineering, planning, environmental, land or ownership factors that would render such a route unacceptable. Indeed, Option 1 was identified in the ES as the preferred cable alignment route. However, notwithstanding the apparent preference for Option 1, and the obvious advantages of slightly varying it so as not to affect the Campus, Sunnica has in fact applied for a different cable alignment with access to the cable corridor proposed straight through the Campus access road. FHPUT is unable to ascertain from the application documents why Option 1, or further exploration of it so as not to impact the Campus, was rejected in favour of the current proposal which adversely affects the Campus.
- 3.7 Since at least December 2019, FHPUT has attempted to engage with Sunnica and its representatives to communicate the implications of the DCO powers on the particularly sensitive operations at the Campus, and to ask Sunnica to consider alternative routes. Notwithstanding those attempts, Sunnica has instead persisted in treating the Campus in the same manner as generic agricultural parcels of land along its cable route. It has failed to understand or account for the impacts of its cable and access route selection on the

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Campus, and has not established a compelling case in the public interest that justifies the private and public loss that will arise as a result of the powers sought over the Campus.

- 3.8 The DCO application as it stands should therefore be refused or the Examining Authority (and ultimately Secretary of State) should refuse any compulsory purchase and temporary possession powers over the Campus.

4 **FHPUT'S INTEREST IN THE LAND SUBJECT TO THE PROPOSED DCO**

- 4.1 FHPUT is a property unit trust which acquires, owns and develops a diversified portfolio of freehold and leasehold land and buildings. FHPUT is a global leader in active, responsible investing with £575 billion of assets under management across all asset classes.

- 4.2 FHPUT owns the "**Campus**" comprising the freehold of the land and buildings lying to the east of Newmarket Road, Snailwell, Newmarket comprised in titles CB328220 and CB119083 registered at Land Registry, the extent of which is shown edged red in Figure 1 below.

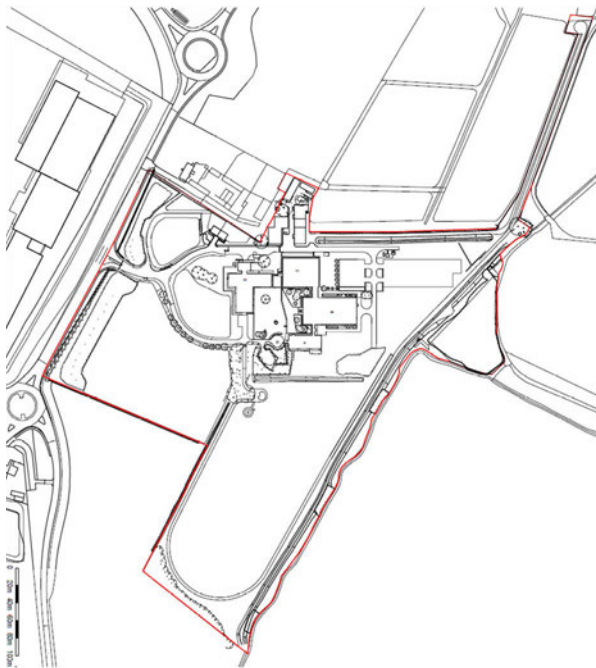


Figure 1

- 4.3 In Figure 2 below, Caneparo Associates (on behalf of FHPUT) have annotated Figure 2 (Site Location) from Sunnica's Transport Assessment (document reference APP-117) to identify where the Campus lies in the context of the DCO Scheme:

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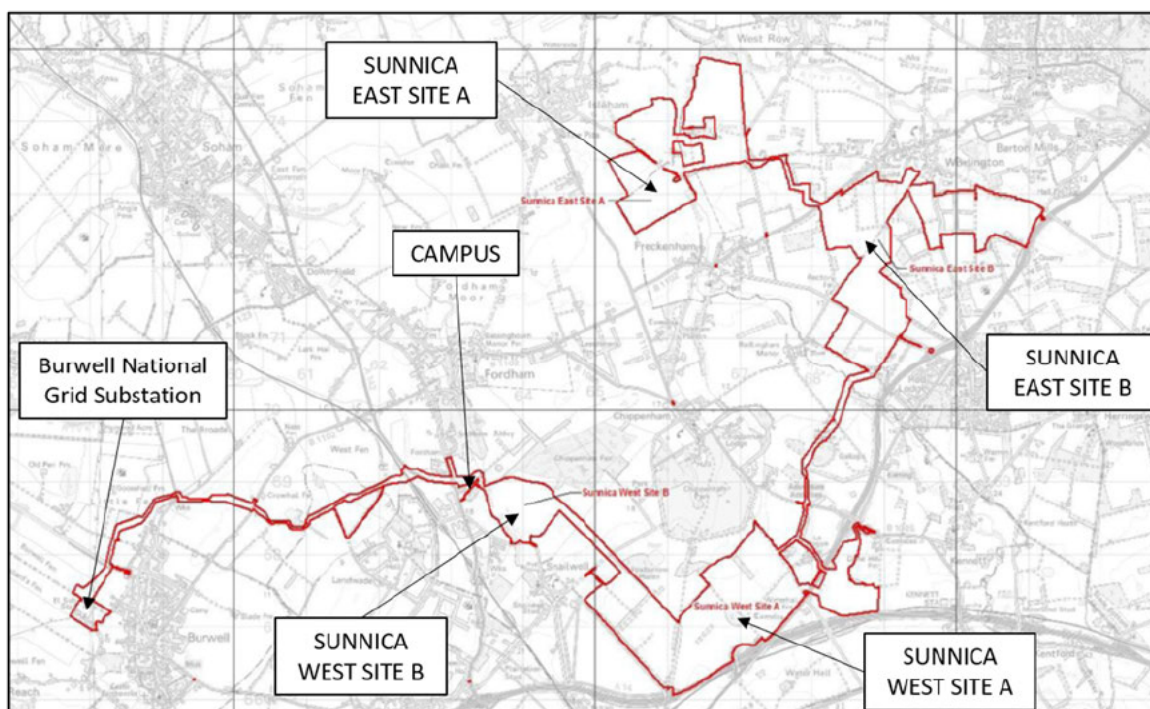


Figure 2

5 **THE CAMPUS**

5.1 **Current Use**

- 5.1.1 The Campus is around a mile from Fordham and approximately 15 miles to the north east of Cambridge, accessed by the A14, and is the location of a purpose-built, state-of-the-art, high-tech Cambridge (Fordham) campus operated by FHPUT's tenant LGC Ltd ("LGC").
- 5.1.2 LGC is a global leader in the life sciences sector. The Campus houses one of the largest bioanalytical centres in the world (8,000m²), employing around 400 staff of which the majority are scientists working in analytical labs focused on two main activities:

(a) **Drug development solutions**

- (i) The Campus is a leading provider of laboratory drug development services to assist small to mid-biopharma, large pharmaceuticals, consumer healthcare and products and medical device manufacturers in developing new medicines and consumer healthcare products aimed at improving quality of life. The 200+ active customers include AstraZeneca, GSK, Pfizer, Unilever, Reckitt, 3M, Johnson & Johnson and Proctor & Gamble.
- (ii) Two illustrative examples include: AstraZeneca's new oncology drug Lynparza for treating advanced ovarian cancer, fallopian tube cancer and primary peritoneal cancer where thousands of clinical trial samples were analysed on site by its highly sensitive and specialist laboratory equipment; exclusive batch release testing for the propellant gases used in asthma

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metred dose inhalers for Koura, which produces around 75% of the world's metered dose inhalers - if you know of someone with asthma, the propellant gas used in their inhaler is very likely to have been tested and released at the Campus.

(b) **Sport & specialised analytical services**

- (i) These relate to drug surveillance, doping control and research activities and supplementary analysis including the principal laboratory for Informed Choice and Informed Sport quality assurance programmes.
- (ii) The Campus is one of only six International Federation of Horseracing Authorities Reference Laboratories, and the only one based in the UK. It receives over 60,000 animal sports anti-doping samples per year.

5.2 **Campus Expansion**

- 5.2.1 On 5 March 2019 East Cambridgeshire District Council granted planning permission under planning reference 17/01838/ESF to alter and expand the Campus into 31,867m² of office/laboratory blocks (including a Gateway Building and Mid Tech Buildings), an amenities block/incubator hub with associated site access, circulation, car parking, sub stations, landscaping and site assembly works (including retaining walls) (the "**Campus Expansion**") as set out in Figure 3 below:

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Figure 3

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6 POWERS IN THE PROPOSED ORDER OVER THE CAMPUS

6.1 Sunnica is seeking wide-ranging powers over a substantial part of the Campus (under Work Nos. 4 and 9) shown on Figure 4 below to authorise the carrying out the following:

- (a) laying and maintenance of electrical cables;
- (b) highway works;
- (c) site drainage;
- (d) security fencing and associated infrastructure;
- (e) traffic management;
- (f) electricity, water, waste and telecommunications connections;
- (g) construction lay down areas;
- (h) construction material storage; and
- (i) construction welfare and workshops.

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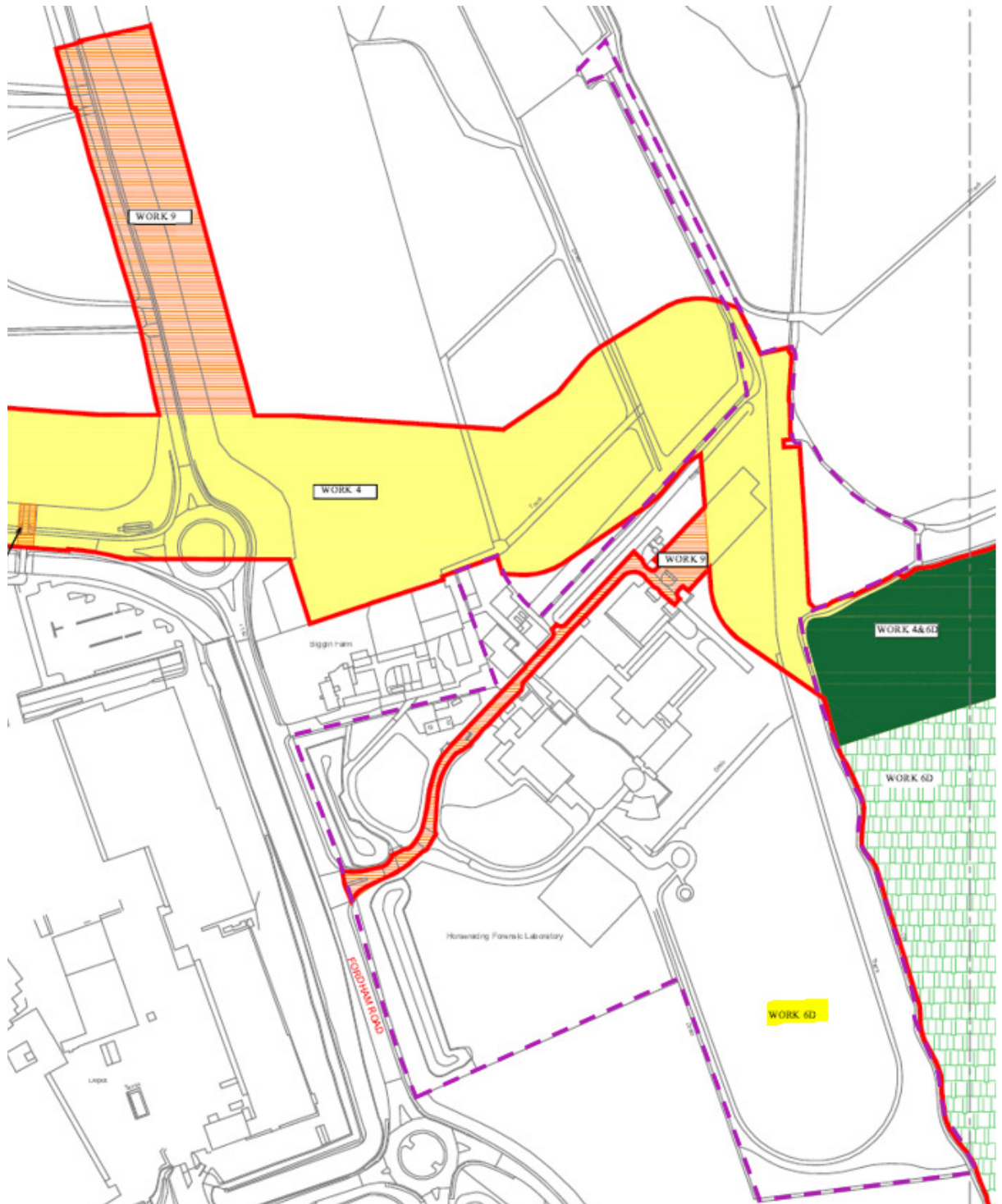


Figure 4

6.2 Figure 4 is an extract of sheet 16 of the DCO application's Works Plans (document reference APP-007) with the extent of the Campus dashed purple. It is not known why

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Sunnica has annotated part of the Campus as Work 6D outside of the Order limits. **This is assumed to be an error to be deleted by Sunnica**, who is asked to address this urgently.

6.3 Sunnica is seeking further wide-ranging powers to carry out potentially extensive associated development works anywhere within the DCO order limits (including within Works 4 and 9 and so on the Campus including on its access road, including the following:

- (a) works within the highway to temporarily or permanently alter the highway;
- (b) laying down of internal access tracks, ramps, and other access;
- (c) bunds, embankments and trenching;
- (d) works to alter or generally interfere with electrical, gas, foul, water telecommunications services and utilities connections; and
- (e) boring and drilling works more generally.

6.4 Sunnica is also seeking wide-ranging powers under the DCO to extinguish existing rights and create new rights over the following Parcels comprising a substantial part of the Campus (shown on Figure 5 below, being an extract of sheet 16 of the DCO application's Land Plans (document reference APP-006) with the extent of the Campus shown dashed purple):

- (a) **Parcel 16-04** Cable rights;
- (b) **Parcel 16-05** Cable rights and access rights;
- (c) **Parcel 16-06** Access rights; and
- (d) **Parcel 16-07** Cable rights.

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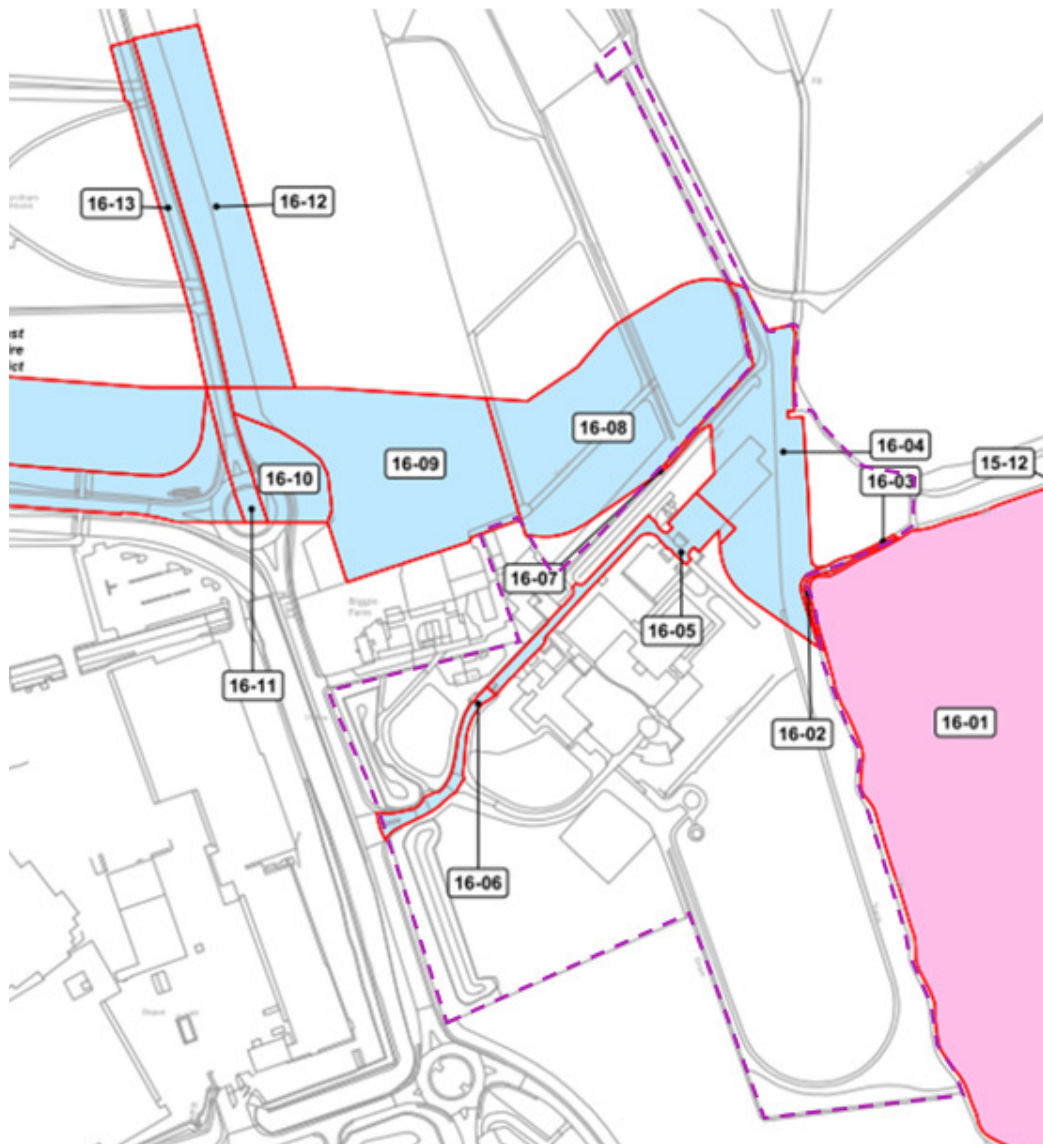


Figure 5

- 6.5 The definitions of the rights sought over Parcels 16-04 to 16-07 (inclusive) are wide-ranging:
- 6.5.1 **"Access Rights"** are defined as rights over land to form, retain, alter, maintain and use means of access to the authorised development and to remove impediments to such access; and pass and repass on foot, with or without vehicles, plant and machinery (including rights to lay and use any temporary surface) for all purposes in connection with the authorised development.
- 6.5.2 **"Cable Rights"** are defined as rights over land to:
- (a) install, use, inspect, alter, maintain and remove electrical underground cables, earthing cables, optical fibre cables, and other cables and services, works

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associated with such cables, and other apparatus and structures;

- (b) access on foot or vehicles, on existing or temporary surfaces for all purposes in connection with the authorised development; and
- (c) restrict and remove the erection of buildings or structures, restrict the altering of ground levels, restrict and remove the planting of trees or carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt or interfere with the exercise of the rights or damage the authorised development.

6.6 Sunnica's Book of Reference (document reference APP-024) omits that the Campus is also affected by the extinguishment of rights in the following Parcels outside of the Campus:

- (a) **Parcel 16-08** Cable rights (see paragraph 6.7 below); and
- (b) **Parcel 16-09** Cable rights (see paragraph 6.8 below).

6.7 FHPUT (under titles CB328220 and CB119083) pursuant to a transfer dated 7th March 1994 benefits from:

- (a) the right to drain surface water through the drain on the land edged blue on the plan at Figure 6 below ("**Blue Land**") and to enter the Blue Land from time to time to clear and clean such drain; and
- (b) the right to enter the Blue Land upon reasonable prior notice save in case of emergency to erect maintain and repair the fences running rails and other boundary structures.

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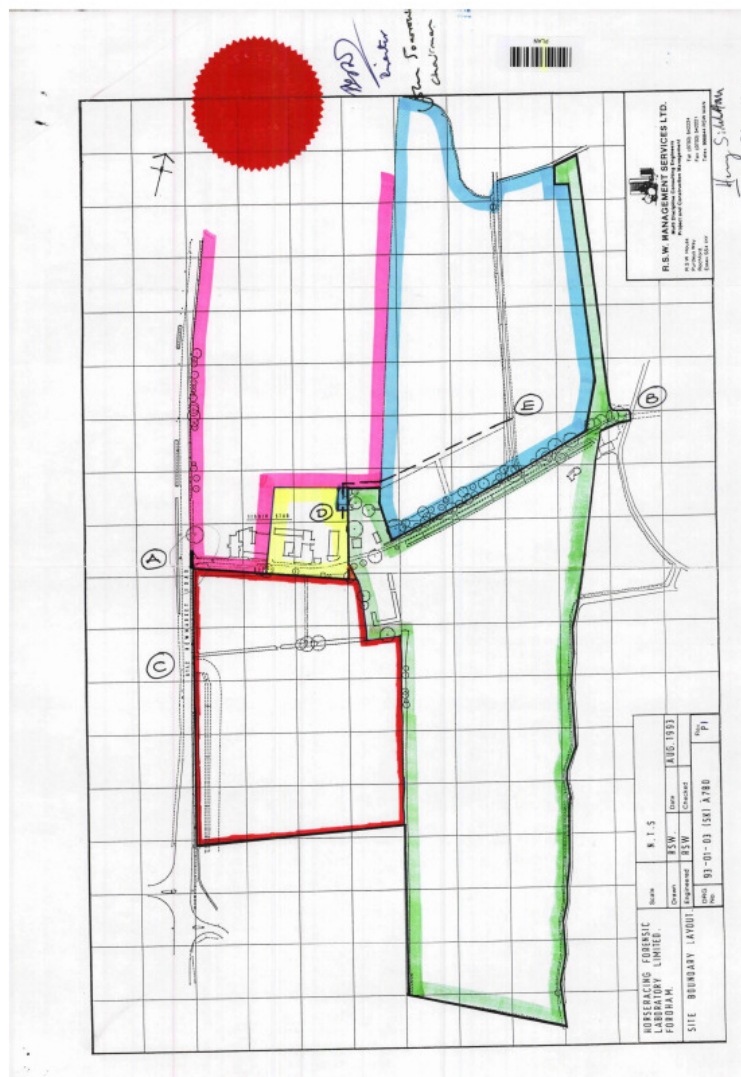


Figure 6

- 6.8 FHPUT (under titles CB328220 and CB119083) pursuant to a transfer dated 7th March 1994 benefits from:
- (a) the right to enter the land edged pink on the plan at Figure 6 above, upon reasonable prior notice save in case of emergency to erect maintain and repair the fences running rails and other boundary structures; and
 - (b) a right of way at all times and for all purposes with or without vehicles over so much of the track between points A and B on that plan as lies within the "**Pink Land**" and the "**Yellow Land**" (subject to termination of such right when the new entrance to the "**Red Land**" is constructed .)
- 6.9 Article 27 of the DCO includes powers that allow Sunnica to enter on and take temporary possession anywhere within the Order limits in connection with the construction of the

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authorised development in order to remove anything on the land and construct temporary works, structures and buildings in connection with the authorised development.

7 **THE NATURE OF SUNNICA'S ENGAGEMENT WITH FHPUT TO DATE**

- 7.1 FHPUT has sought to engage with Sunnica since at least December 2019 so as to understand the likely impacts of the DCO Scheme on the Campus and Campus Expansion.
- 7.2 In March 2020 FHPUT became aware that Sunnica was seeking to route its cable through the Campus and had made an application to PINS seeking powers for surveys under section 53 of the Planning Act 2008. Given the sensitivities of the Campus, FHPUT objected to that application on 24 March 2020 pending completion of an appropriate access licence. At the same time, BCLP wrote to Sunnica's solicitors, Pinsent Masons, to try to ensure that they liaised with their clients to understand fully the implications of including DCO powers over the Campus and that those impacts were taken into account in any decision to seek rights over the Campus over potential alternative options.
- 7.3 Sunnica suggested that FHPUT enter into a standard form access licence aimed at generic agricultural parcels of land along its long linear route, agreeing to cover only very limited fees equivalent to those very straightforward land parcels. The draft licence was not fit for purpose for a sensitive site such as the Campus. Sunnica showed little interest in progressing an appropriate alternative licence suitable to the specific characteristics of the Campus site for many months.
- 7.4 On 11 November 2020 Ofgem granted Sunnica a licence to generate electricity under section 6(1)(a) of the Electricity Act 1989. As such, it became a statutory undertaker for the purposes of the Electricity Act 1989 and the Planning Act 2008. That entitled Sunnica to issue notices under section 172 of the Housing and Planning Act 2016 enabling it to carry out surveys without needing PINS approval under section 53 of the Planning Act 2008, which was dependent on demonstrating to PINS that efforts had been made to negotiate an access licence by private treaty. On 27 November 2020, Sunnica served section 172 notices on FHPUT.
- 7.5 FHPUT was left in a position where it had to enter into Sunnica's standard form access licence for surveys, with very few points and very limited costs accepted by Sunnica.
- 7.6 On 29 June 2021, Sunnica sent FHPUT its standard form heads of terms to acquire land rights ("HoTs") aimed again at generic agricultural parcels of land along its linear route. On 17 September 2021 BCLP wrote on behalf of FHPUT to express surprise that Sunnica had decided to route through the Campus and to invite HoTs appropriate to the particularly sensitive operations on the Campus. None have ever been provided.
- 7.7 Sunnica did not serve FHPUT with a Section 42 notice. Upon reviewing the DCO application, FHPUT was surprised and disappointed to see that the DCO included Cable Rights and Access Rights over the access road and the car park described in paragraph 6.4 above (Parcels 16-04 to 16-07 (inclusive)).
- 7.8 Savills sought repeatedly to engage with Sunnica's representatives to understand better the likely impacts of the DCO Scheme on the Campus. Limited information was provided. It has

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subsequently become clear that this was because Sunnica had not properly assessed the implications of the powers it seeks on the operations currently carried out on the Campus.

8 **ALTERNATIVES**

8.1 Sunnica must demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition, including modifications to the scheme, have been explored. It must also establish that there is a compelling case in the public interest to justify the compulsory acquisition of rights, which requires the public benefits of the acquisition to outweigh the private (and any public) loss.

8.2 Given the impacts associated with the cable route proposed in the DCO application (the “**DCO Cable Route**”) and associated construction access through the Campus, it was incumbent on Sunnica to:

8.2.1 assess properly the impacts of the DCO Scheme on the Campus; and

8.2.2 consider alternatives that would avoid those impacts.

8.3 Sunnica is unable to establish that the public benefits of the DCO Scheme outweigh the private losses to FHPUT and its tenant LGC, as well as the public losses associated with any interruptions to their operations, unless it can demonstrate that there are no reasonable alternatives that would avoid those impacts. In light of the deficiencies in its assessment of impacts on the Campus and in its assessment of alternatives, Sunnica has failed to establish a compelling case in the public interest to justify the compulsory acquisition of rights over the Campus.

8.3.1 **Deficiencies in Sunnica’s assessment of impacts on the Campus**

Sunnica has not carried out a noise/vibration or transport assessment of the impacts of the DCO Scheme on the Campus to inform the selection of its preferred cable route and access arrangements.

8.3.2 **Cable route alternatives**

(a) Sunnica’s Environmental Statement (“**ES**”) appraises three potential options for the cable route alignment. These routes are shown in Figure 4-3 of the ES (document reference APP-173). That Figure is reproduced below, with the Campus marked as a blue dot. Option 1 was selected as the preferred option. Option 1 (shown in light pink) would appear to run to the west and south of the Campus.

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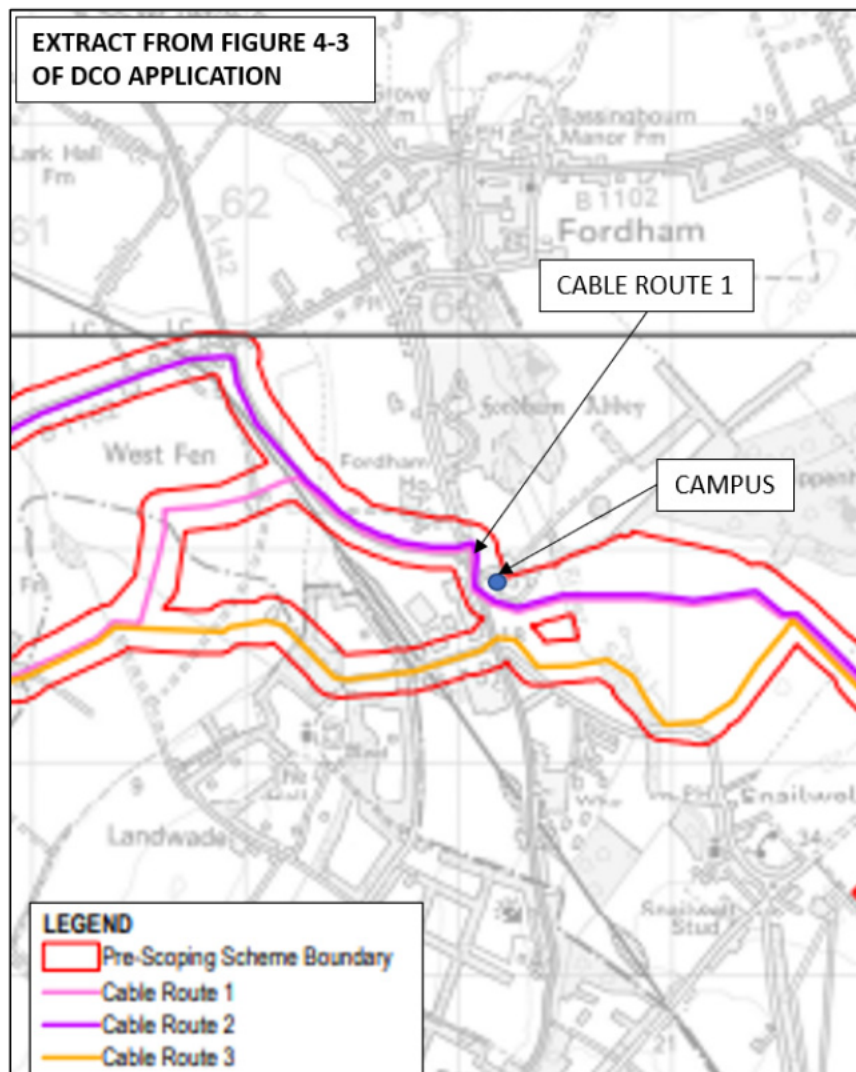


Figure 4-3 of Chapter 4 of the ES (document reference APP-173)

- (b) FHPUT's transport consultant, Caneparo Associates, has indicatively overlain Option 1 over sheet 16 of Sunnica's land plans to show its relationship with the Campus in Figure 7 below. It would appear that Option 1 might have encroached into the southern part of the Campus (compare against Figure 5 at paragraph 6.4 above), currently undeveloped but subject to proposed development under the Campus Expansion:

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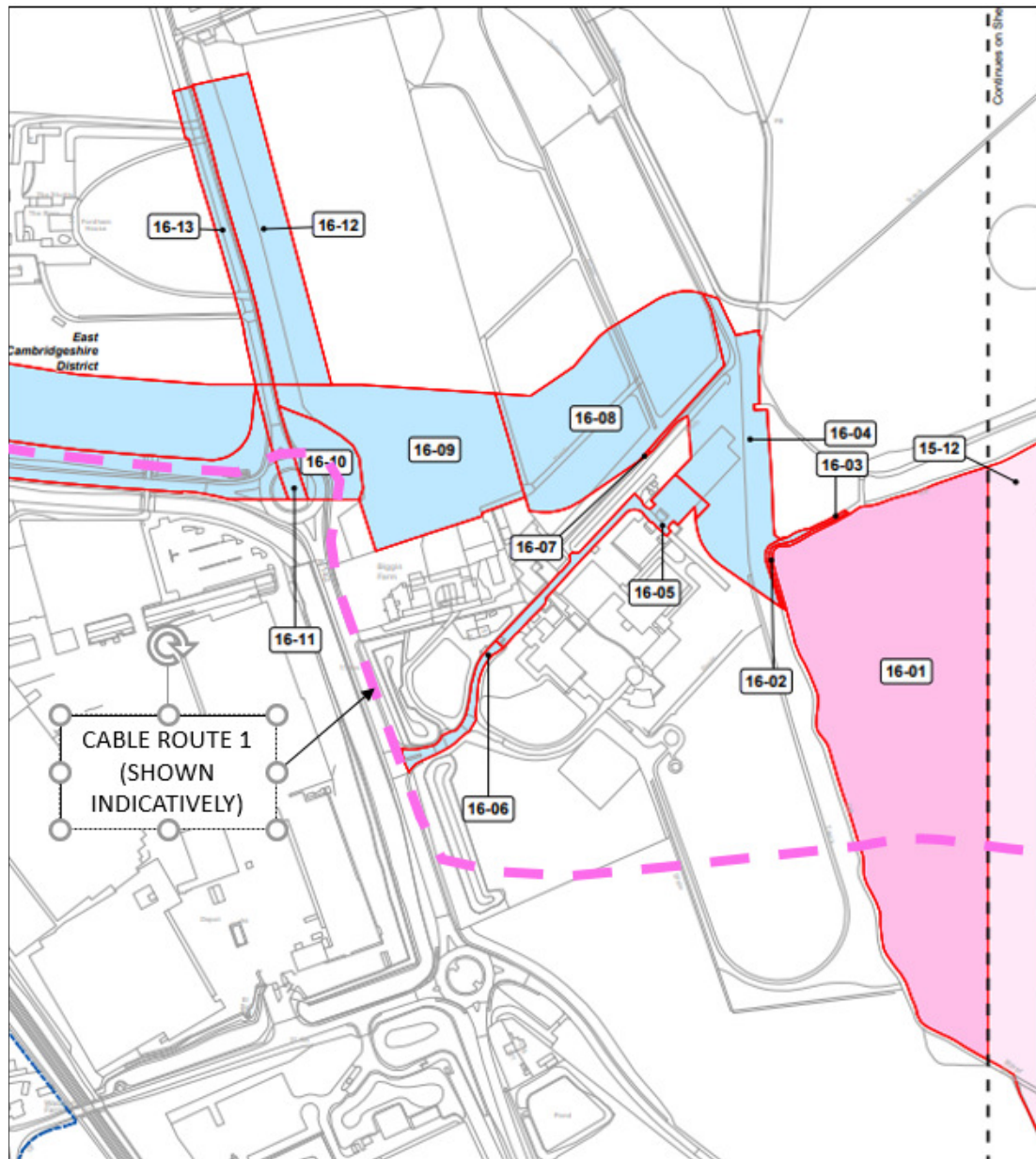


Figure 7

- (c) Option 1, however, does not affect the Campus's access road and there appears to be no reason why Option 1 could not have been altered to divert to the south of the Campus entirely. For example, the indicative alternative cable alignment set out in Figure 8 below (dashed red) could have been considered with alternative access routes for construction and maintenance traffic:

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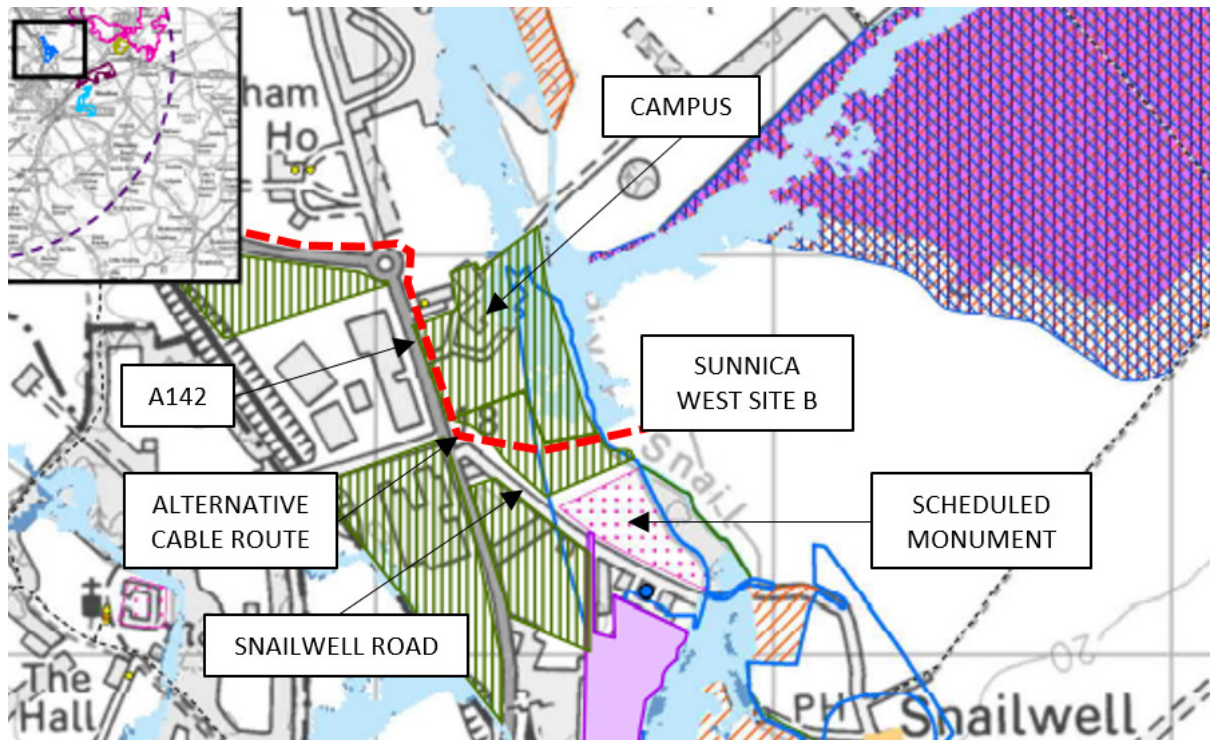


Figure 8

- (d) Notwithstanding the apparent selection of Option 1, the actual alignment of the cable corridor in the DCO application (the "**DCO Cable Route**") does not follow the route of Option 1 shown in Figure 4-3 of Sunnica's ES (document reference APP-173), or follow a reasonable variation of it to divert to the south of the Campus as per Figure 8 above. Instead, the DCO Cable Route is now located to the north-east of the Campus and partly within it. A comparison of Option 1 from Figure 4-3 of the ES (document reference APP-173) against the DCO Cable Route alignment on a supplementary plan issued to FHPUT by WSP entitled 'Property Cost Estimation Plan' (Drawing Reference 70050915-220301-WSP-PLN-AAA-001-LH-0' Rev 0) is shown in Figure 9 below:

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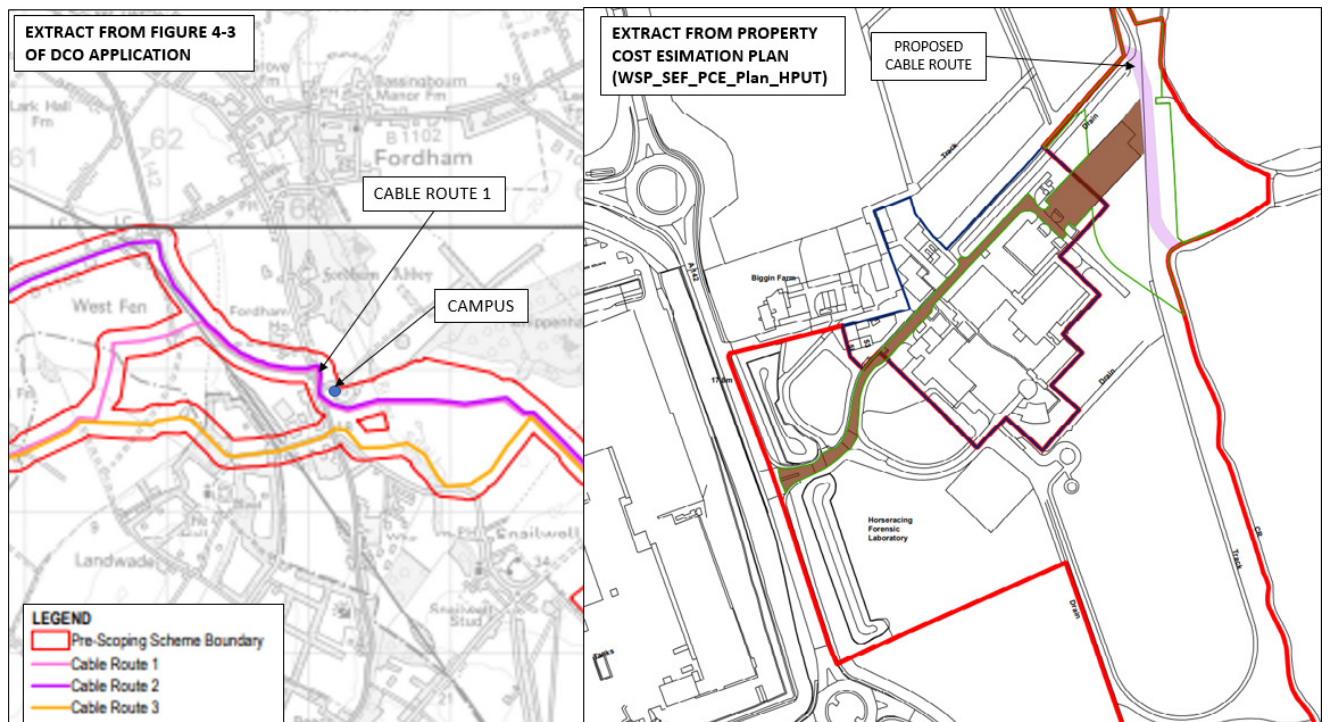


Figure 9

- (e) FHPUT's transport consultant (Caneparo Associates) has overlain Option 1 from Figure 4-3 of the ES (document reference APP-173) and the DCO Cable Route onto an aerial image of the land in the vicinity of the Campus in Figure 10 below:

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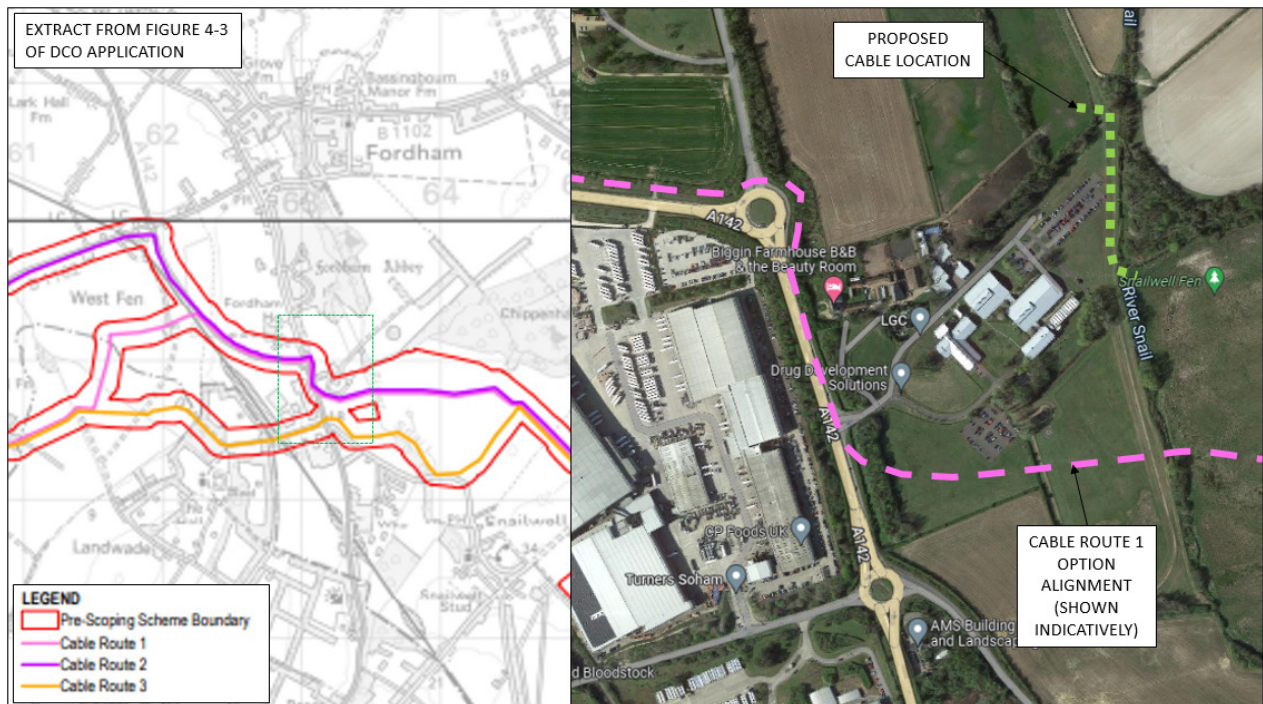


Figure 10

- (f) FHPUT has been unable to identify any explanation in the DCO application documents for the rejection of Option 1, or a variation of it to route to the south of the Campus, in favour of the DCO Cable Route. The alignment of the DCO Cable Route directly impacts the Campus and requires construction traffic to route along its access road. A variation of Option 1 would have avoided impacts on the Campus and would not require construction traffic to use its access road. It is noted that Table 4-4 of Chapter 4 of Sunnica's ES (document reference APP-036) considered the technical and engineering requirements as well as the planning, environmental, land use and ownership constraints of the three options and does not appear to identify any constraints that would render Option 1 unacceptable.
- (g) Temple Group Limited has carried out an appraisal of the cable route options on behalf of FHPUT to identify any relative constraints and potential environmental effects posed by the variation of Option 1 shown in Figure 8 above. It concluded that there do not appear to be any such constraints or effects that would render such a variation on Option 1 unacceptable.

8.3.3 **Access route alternatives**

- (a) If Sunnica had adopted a variation of Option 1 for the cable alignment, it could have made alternative access arrangements for construction and maintenance of the cable corridor that would have avoided impacts on the Campus.
- (b) Because Option 1 appears to have been rejected (for reasons which are unclear), and no variation to it avoiding the Campus explored, there has been no assessment of access for the alternative cable alignment shown in Figure 8 above

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as an alternative to routing construction and maintenance traffic through the Campus.

- (c) Even if there is some justification for the rejection of a variation to Option 1 in favour of the current proposal (which FHPUT has been unable to ascertain), there remain alternative access options available that would avoid direct impacts on the Campus. For example, it would be possible for construction and maintenance traffic to access the cable route via the road network to the north of the Campus, as shown in Figure 11 below:

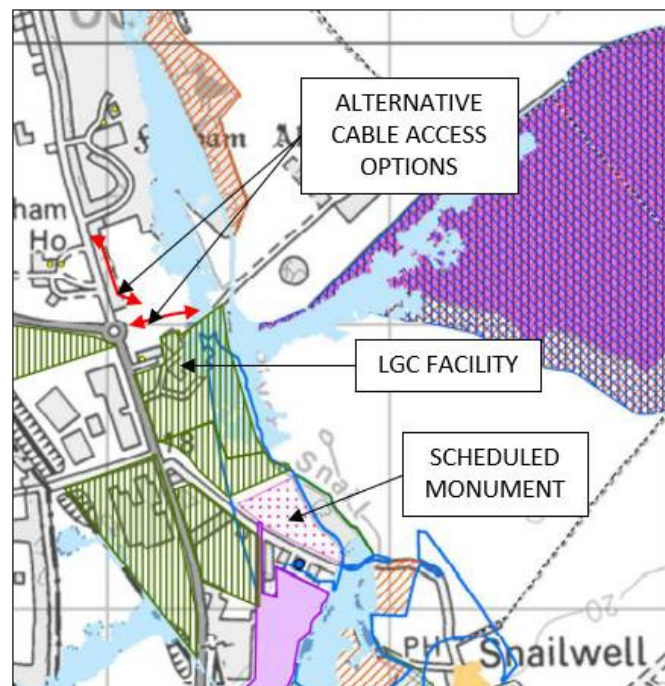


Figure 11

- (d) FHPUT is unable to ascertain from the DCO application documents why alternative access arrangements, shown in the yellow dotted line on Figure 12 below would not be feasible to access the proposed cable alignment. This alternative routing would not require construction and maintenance traffic to use the Campus access road. It would also appear to avoid any direct impacts on the Campus.

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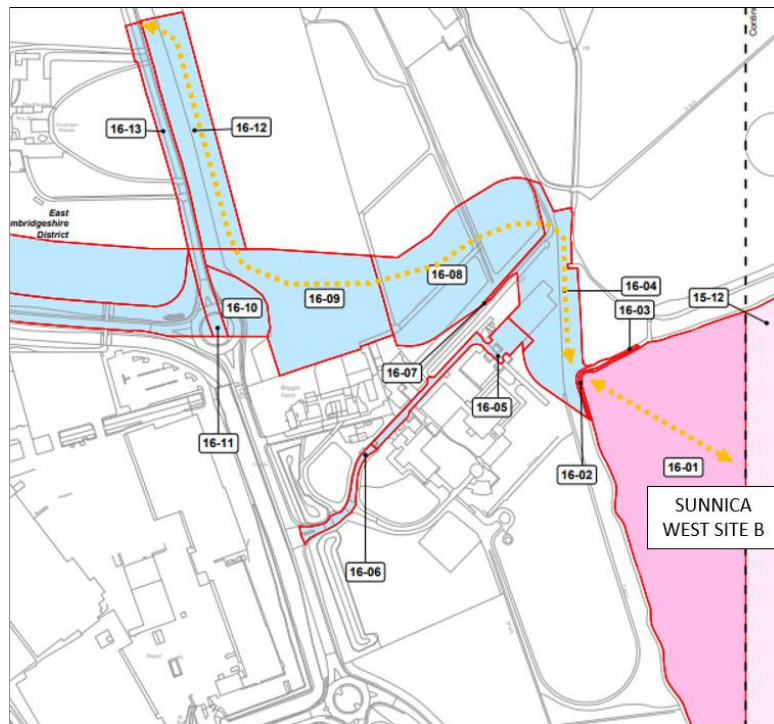


Figure 12

8.3.4 In summary:

- (a) Sunnica has failed properly to assess or understand the impacts of its proposed cable alignment and access strategy on the Campus operations;
- (b) Sunnica has failed to justify the selection of its cable alignment in the vicinity of the Campus;
- (c) Sunnica has failed to justify the acquisition of Access Rights over the Campus's access road.
- (d) There appear to be feasible alternatives, both to the cable alignment and access strategy, which would avoid or minimise impacts on the Campus. Sunnica has failed to pursue those alternatives, for reasons which are unclear. As such, it has failed to demonstrate that there is a compelling case in the public interest to justify powers of compulsory acquisition over the Campus.

8.3.5 In addition to the in-principle objection to the manner in which the cable route and access strategy have been selected, FHPUT raises a number of technical objections relating to the transport and noise and vibration impacts of the DCO Scheme on the Campus operations and any Campus Expansion.

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9 **TRANSPORT**

9.1 **Inadequacies in Sunnica's transport assessment**

9.1.1 The Transport Note prepared by Caneparo Associates identifies the following inadequacies in the transport assessments submitted with the DCO application:

- (a) The DCO application fails to provide a detailed assessment of the potential traffic, access and parking effects on the Campus.
- (b) It therefore fails to demonstrate that the proposed access arrangements (comprised in the wide-ranging Access Rights and Cable Rights sought) would not disrupt the Campus access for staff, visitors and deliveries, the Campus staff parking areas and the operations that take place at the Campus during the construction, operation and decommissioning of the DCO Scheme.
- (c) It fails to consider in detail the impact of the loss of staff car parking on access to the Campus and what the impact would be on the operations that take place at the facility if a reduction in workforce was to result from the loss of on-site car parking for Campus staff.
- (d) It does not include plans showing the spatial requirements for plant / storage areas at the Campus during the construction, operation and decommissioning phases of the scheme.
- (e) It does not provide profiles of vehicle movements and types requiring access via the Campus throughout the construction, operation and decommissioning periods.
- (f) It does not include plans demonstrating the access route via the Campus is of sufficient width to accommodate two-way traffic comprising HGV use during the construction, operation and decommissioning phases.
- (g) It fails to provide swept paths plans of all vehicles requiring access through the Campus.
- (h) The DCO, by virtue of its wide-ranging definition of Access Rights, would allow alterations to the Campus access to be made by Sunnica at any time and for all time. It does not describe (or constrain) what these might be and fails to assess the impact these potential alterations would have on access to the Campus or the Campus Extension.
- (i) It fails to assess the impacts of the DCO Scheme on the Campus if access through it is required for longer than assumed in the application.
- (j) It fails to consider how the existing security measures at the Campus will be maintained or operate if the access route through the Campus is used by Sunnica personnel and its vehicles.
- (k) It fails to consider the potential impact of the proposals (including the unconstrained access arrangements) on the delivery of important hazardous materials to the Campus.

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9.2 **Transport impacts**

- 9.2.1 The DCO application includes Access Rights and Cable Rights that could result in unconstrained numbers of HGV and other vehicle movements along the Campus access road and within the rear car park. Sunnica's ES suggests this could involve up to 12 staff vehicle trips per day, 6 LGV trips per day and 148 HGV trips per day if the other access arrangements proposed as part of the DCO application, being dirt tracks, prove unavailable or unsuitable and the only viable access to the cable route and Sunnica West Sites A and B is via the Campus's tarmacked access road.
- 9.2.2 During current operations, it is rare for a delivery or collection to the Campus to be made using an HGV. Special arrangements are made on such rare occasions in order to minimise the impact on access to the site, car parking, and the operations that take place at the Campus. When a delivery or collection by HGV needs to be arranged, lab managers and associated staff are made aware of potential impacts in advance. Certain activities are either suspended, where possible, or have a delayed start, so as to avoid the invalidation of lab readings or results.
- 9.2.3 Certain work undertaken at the Campus is subject to strict controls requiring a Controlled Drugs License. As such, all visitors to the site (including deliveries) are by prior arrangement only and access to the facility is via security gates which are strictly controlled / monitored. Regulatory training is required for all persons accessing the site. It would not be feasible to replicate these arrangements for Sunnica construction traffic.
- 9.2.4 The DCO Scheme could impact the delivery of hazardous substances or materials that are essential to the operation of the facility. Around 30 deliveries are made to the Campus per day, including of substances ordered automatically based on volume sensors. When deliveries are taking place, the access road is partially blocked for the duration of unloading (as the storage compound is located on the other side of the access road to the main facility). If access to the storage compound cannot be achieved because the access is blocked by an HGV or other vehicle associated with the DCO Scheme, the delivery would have to be cancelled and re-arranged, compromising operations at the Campus whose deliveries are based on a "just-in-time" supply. The access road is largely a pedestrian zone with multiple staff members crossing the road throughout the day to shift important samples and materials into the laboratories. The increased traffic associated with the DCO Scheme will inhibit that and represent a safety hazard.
- 9.2.5 If the rear car park was to be closed to Campus staff this would result in a reduction in available parking which would result in a reduction in workforce. The vast majority of employees travel to the site by private car given the lack of alternative options. A reduction in workforce would result in the pausing or halting of the operations that take place at the facility leading to delays to the testing and development of new medicines and the treatment of patients with rare medical conditions.
- 9.2.6 The Access Rights and Cable Rights sought over the parts of the Campus allow unfettered access "for all purposes in connection with the authorised development", with no limitations in time or frequency. If any significant maintenance works are required to the cable installation and this maintenance work were to require space within the car park or use of the access road, this would disrupt access to the facility for staff, visitors and delivery and servicing personnel leading to the halting or pausing of on-site operations. The DCO application suggests that the decommissioning phase, anticipated to occur around 40 years

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after installation, will give rise to impacts equivalent to those associated with the construction phase. This again will substantially disrupt the operations at the Campus.

10 **NOISE/VIBRATION**

10.1 **Inadequacies in Sunnica's noise/vibration assessment**

- 10.1.1 The Noise/Vibration Note prepared by Ion Acoustics on behalf of FHPUT identifies that the noise and vibration impacts of the DCO Scheme on the Campus have not been considered in Sunnica's ES. There is no information in the application documents as to noise and vibration impacts, to which the Campus is particularly sensitive.
- 10.1.2 Sunnica has not undertaken any assessment of ground-borne vibration on the Campus. The laboratories at the Campus use instruments and processes that are highly sensitive to vibration. For example, readings from precision balances and mass spectrometers will be unreliable. Therefore adverse vibration impacts on the laboratories can occur at much lower thresholds than those considered for human annoyance. Sunnica indicated in October 2022 that it will carry out a vibration assessment but it is unknown whether this has been done; it has in any event not yet been made available.
- 10.1.3 Table 11-3 of Chapter 11 of the ES (noise and vibration)(document reference APP-043) identifies specialist medical / teaching centres as having a "very high" sensitivity. However, notwithstanding the fact that the Campus is used for medical testing with specialised laboratories, it has not been treated as a receptor of very high sensitivity in the ES. Indeed, it has not been identified as a receptor of any sort. It should have fallen within the classification of a specialist medical / teaching centre with a "very high" sensitivity. Clearly, noise and vibration impacts on a receptor of very high sensitivity should have been considered.
- 10.1.4 At present, FHPUT is also unable to determine the construction-related noise impacts on the Campus laboratories, including the two houses on the Campus based on the information presented in the ES. Receptor location R3 is Biggin Stud Farmhouse and is the nearest receptor to the Campus identified in the ES. This was classified as a residential location with "high" sensitivity. The Campus and the two houses within it have not been identified as sensitive receptors despite being closer to the construction works than the Farmhouse.
- 10.1.5 Sunnica's baseline noise monitoring exercise for Biggin Stud Farmhouse (R3) (again being the closest assessed receptor to the Campus) was carried out at a location adjacent to Newmarket Road (LT2) where baseline noise conditions are far higher than those within the Campus. Baseline noise data should have been gathered from within the Campus or a representative location unaffected by elevated traffic noise. As it stands, the monitoring location LT2 is not representative of noise levels at the Campus and is an unreliable baseline on which to assess the noise impact on the campus. R3 and LT2 are shown on Figure 13 below:

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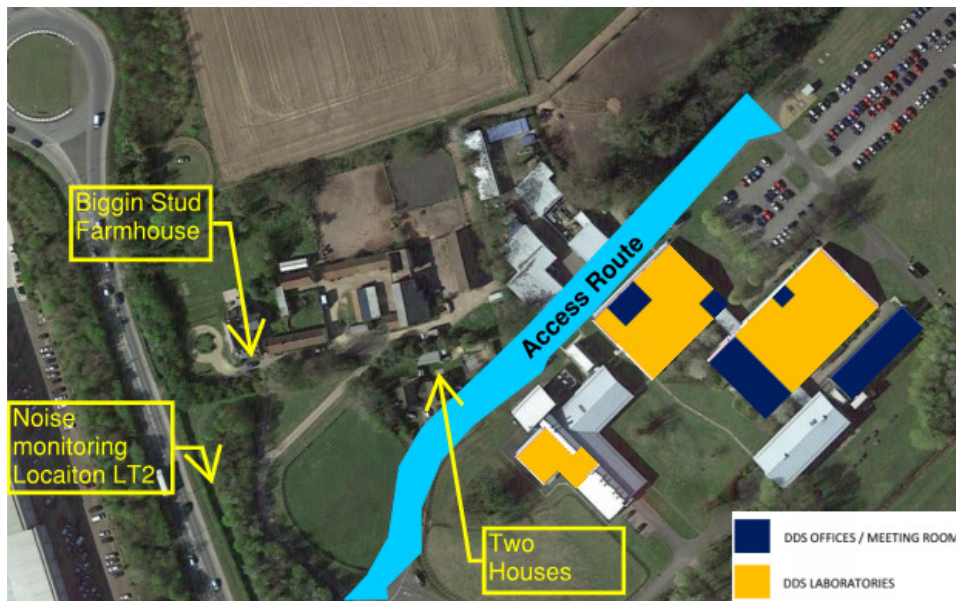


Figure 13

- 10.1.6 Vibrating rollers are identified in the lists of construction plant in the Appendices to the ES Noise and Vibration Chapter. These are a source of vibration, but the effects on the Campus have not been assessed. Although the ES indicates that a push piling rig would be used to install the solar panel frame supports, the method is dependent on ground conditions. Other methods such as impact-driven H-section piles might need to be used. Such methods are unlikely to be acceptable in respect of vibration impacts on the Campus, and nothing in the DCO appears to prevent their use. In any event, the ES has not assessed the use of vibrating rollers and impact-driven piling.

10.2 **Noise/vibration impacts**

- 10.2.1 Vibration from construction vehicles and from construction plant associated with the construction of the DCO Scheme would result in unacceptable impacts based on current proposals which could route construction vehicles through the Campus.
- 10.2.2 There are a number of pharmaceutical laboratories utilising specialist equipment that is highly sensitive to vibration (including balances, mass spectrometers and gas & liquid chromatography) at the Campus. On-site instrumentation is operational 24 hours, 365 days a year at the Campus. The closest laboratory is 6m from the access road. The laboratories are occupied spaces where scientists spend most of their day. In addition to the use of specialised equipment, they effectively function as study spaces, requiring concentration and are therefore also sensitive to noise. A layout of the laboratory space is provided in Figure 14 below.

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Figure 14

- 10.2.3 Generic vibration criteria have been developed for different classes of laboratory instruments. The maximum vibration level that can be tolerated by instruments at the Campus is VC-B. This threshold is considerably more demanding than the thresholds for human perception in office and residential environments, with a very low vibration limit of 0.025 mm/s. When VC-B is exceeded, there is a risk of inaccurate readings or scans. One exceedance of this level is sufficient to disrupt the activity or measurement. Furthermore, as part of the laboratories' certification under Good Clinical Practice, the laboratory equipment is required to be operating within the manufacturer's specified environmental parameters. These include limits (i.e. VC-B) on the acceptable vibration thresholds.
- 10.2.4 The sensitivity is such that HGV movements on the site are already the subject of special arrangements with the laboratory managers notified so that certain activities can be suspended or delayed as necessary (see paragraph 9.2.2 above). Clearly in these circumstances, it would be unacceptable to have construction vehicles and plant using the access road as it will effectively shut down a nationally-important laboratory during the construction period (and potentially again during maintenance and decommissioning).
- 10.2.5 Unacceptable vibration impacts could be caused by a single HGV on the access road. The use of the access road by an unconstrained number of HGVs, potentially up to 148 trips a day during construction of the DCO Scheme, together with potentially significant use during any maintenance and decommissioning under the wide-ranging Access Rights and Cable Rights, would inevitably have substantial adverse effects on the operation of the Campus.
- 10.2.6 There could also be vibration impacts associated with the construction of the cable route and Sunnica West B sites if vibrating rollers or impact-driven piles are used, although it is

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expected that this could be managed and monitored if appropriate mitigation measures are secured.

10.2.7 Appropriate construction noise levels would also need to be secured.

11 **Implications of the above impacts for the Campus**

11.1.1 The impacts described above should come as no surprise to Sunnica. As described in paragraph 7 above, FHPUT has sought to impress upon Sunnica the sensitivity of the Campus since at least 2019.

11.1.2 The powers which Sunnica is seeking in its proposed Access Rights and Cable Rights are wide-ranging. The period of construction is not expressed to be subject to any limitation. The rights sought also cover the operational and decommissioning phases of the DCO Scheme and are similarly wide-ranging. They too are likely to adversely affect the important operations carried out in the public interest at the Campus.

11.1.3 Even very short term impacts will be potentially catastrophic for the activities that take place at the Campus, including the testing and development of new medicines and the treatment of patients with rare medical conditions.

11.1.4 The Campus is one of the world's largest bioanalytical centres supporting pre-clinical and clinical trials globally. The bioanalytical group measures levels of drugs, biomarkers and anti-drug antibodies (immunogenicity) in clinical trial patients and healthy volunteers. Once a clinical trial has started, halting the laboratory work and failing to provide the required sample results would mean the objectives of the trial could not be fully met. Sample stability can be very limited. For example in flow cytometry analyses using live cells, samples cannot be stored for more than 24 hours. If samples are analysed outside the confirmed stability period any data produced is not scientifically valid and cannot be used. In some cases, the data provided is used for decision-making during the trial (e.g. dose escalation) and so without it the trial would be unable to continue. As the Campus develops and validates bespoke analytical methods for each study it supports, attempting to transfer studies to an alternate facility is likely to compromise the development of the drug, leading to significant delays in the development of medication to treat patients with rare medical conditions.

11.1.5 Moreover, the Campus has contractual agreements with customers that would be breached if works had to be halted for any material period. The liability cap varies from contract to contract but the overall liability for any disturbance caused by the DCO Scheme under the compensation code would run into the millions. The position is similar in respect of the animal sports anti-doping samples tested, where contracted turn-around-times mean that it is not possible for the Campus to cease operations at the site for any period of time or provide the services from another location. It is plainly in the interests of Sunnica to engage with FHPUT in order to overcome its outstanding concerns.

11.1.6 Applicants should be able to demonstrate through their funding statement that adequate funding is likely to be available both for the delivery of the project and for the compulsory acquisition of land, including compensation payments. Sunnica's funding statement appears to make no provision for the losses associated with disturbance to the Campus as a result of the DCO Scheme.

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12 Sunnica proposal to limit its DCO powers

12.1 Following the submission of FHPUT's relevant representation, it has continued to engage with Sunnica through its consultant teams in order to understand the likely impacts of the DCO Scheme on its interests. Through that process, Sunnica has suggested that there may be means to further mitigate the impacts of the Scheme on the Campus, for example, by routing HGV construction traffic through an alternative access rather than through the Campus itself, as shown on the plan at Figure 15 below:

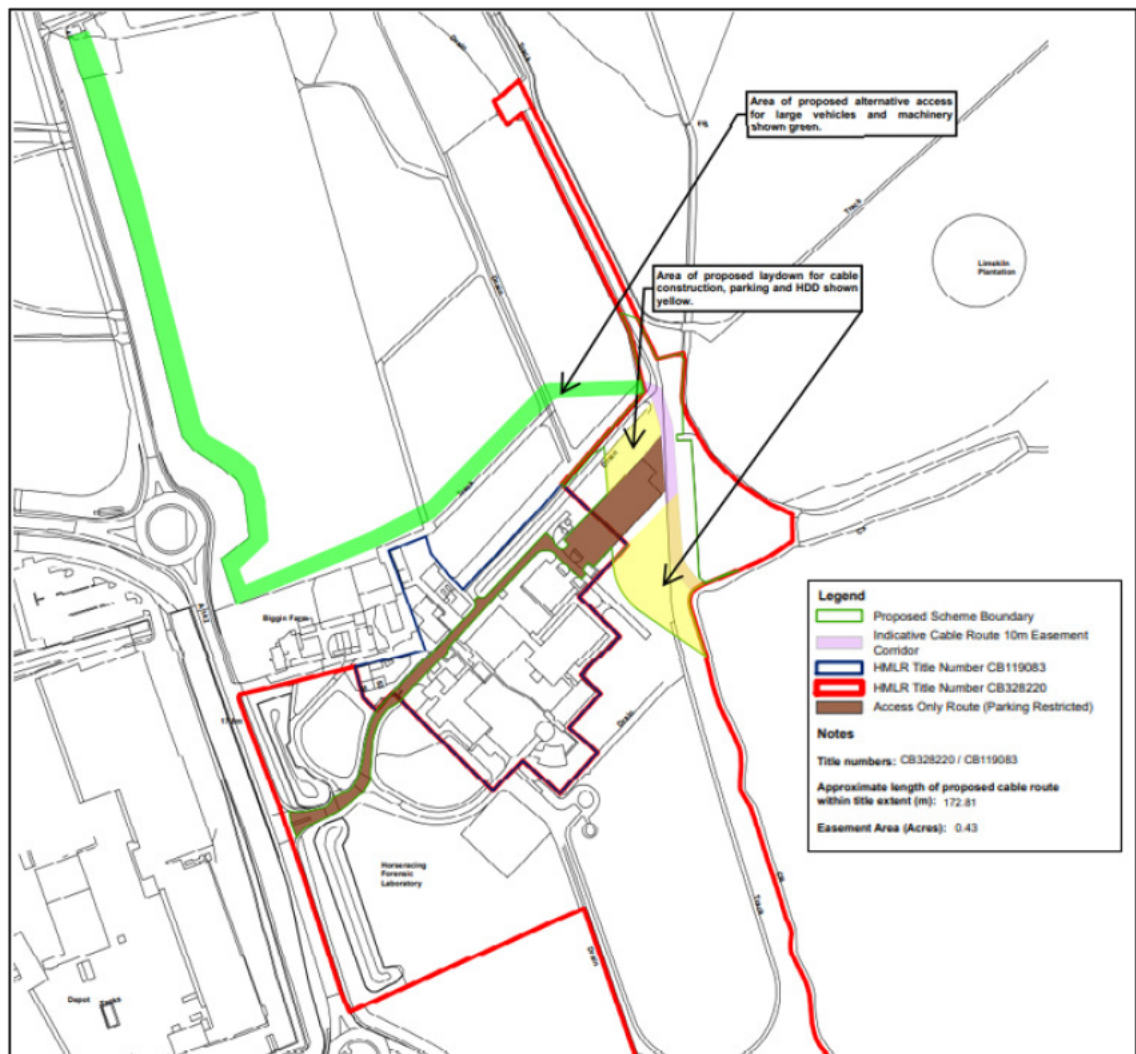


Figure 15

12.2 Sunnica's revised proposal appears to be as follows:

12.2.1 Areas for construction laydown and parking for Sunnica vehicles are coloured yellow (within an area currently the subject of proposed Access Rights) to the north and south of the Campus car park coloured brown (an area currently the subject of proposed Access Rights).

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- 12.2.2 All HGVs are now to be routed via the route coloured green/blue/mauve in Figure 15 above, within the area of land located to the north of the Campus, instead of routing HGVs through the Campus access road.
- 12.2.3 Only cars / light vans would route through the Campus's access road to access the laydown and parking areas coloured yellow with a maximum of 15 cars / light vans per day.
- 12.2.4 Sunnica has indicated that the revised arrangements would not require the use of any existing Campus parking bays, all of which would remain available for use by the Campus throughout all construction, operation and decommissioning of the DCO Scheme.
- 12.2.5 HGVs would access the proposed laydown and parking areas via the cable route corridor coloured purple, avoiding the need for them to access the Campus car park within the area coloured brown.
- 12.2.6 There would be no parking permitted by vehicles associated with the Scheme on the area coloured brown.
- 12.3 FHPUT welcomes the direction of travel demonstrated in these revised proposals, albeit in the frontloaded DCO regime it is disappointing that it should have taken so much effort on the part of a landowner to have reached this a position at such a late stage. Furthermore, given that these assurances have only recently been offered by Sunnica and are yet to be properly assessed by FHPUT or secured, they do not overcome the objection to the DCO Scheme.
- 12.4 Fundamentally, the Campus is not suited to conveying third party construction traffic of any scale and it is not clear why all such traffic cannot be routed via alternative access arrangements. Nor is it yet clear that the vibration impacts from construction within the land coloured yellow are acceptable given the catastrophic implications for the scientific activities described above. Even so, FHPUT's consultants will continue to engage with Sunnica in an attempt to explore whether these recent proposals are sufficient to overcome its objection.

13 **CONCLUSION**

- 13.1 As it stands, the DCO application should be refused or compulsory purchase and temporary possession powers should not be granted over the Campus.
- 13.2 The impacts on the Campus and the directly consequential wider impacts for public health and the national horse racing industry, together with the absence of an appropriate assessment of alternatives, indicate that the benefits of the DCO Scheme do not outweigh the harms and that Sunnica has failed to demonstrate a compelling case in the public interest for the compulsory acquisition of rights over the Campus.

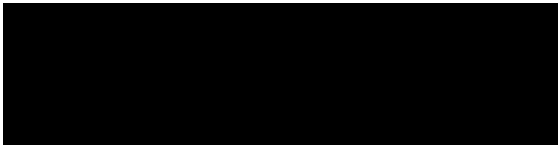
14 **NEXT STEPS**

- 14.1 FHPUT remains open to meaningful engagement to better understand the likely impacts of the DCO Scheme on the Campus and to agree appropriate means of mitigating those impacts where appropriate.

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- 14.2 If Sunnica can demonstrate as a matter of urgency, given that the Examination has commenced, that the impacts detailed in this Written Representation can be addressed FHPUT is open to agreeing appropriate protective provisions on the face of the DCO and an option agreement (subject to contract) in advance of the close of the Examination.
- 14.3 We will keep PINS updated on any progress achieved by FHPUT in either regard.

Yours faithfully



Bryan Cave Leighton Paisner

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