

Fordham (Cambs) Walking Group



Deadline 7 Representation dated 01 March 2023

Registered party 20030564

Planning Inspectorate Reference EN010106 Sunnica Energy Farm

Rebuttal of Sunnica Project Team Document

EN010106/APP/8.85 (REP6-035)

**Issues paper: Public Rights of Way Experience Note
submitted at Deadline 6**

1. Fordham (Cambs) Walking Group (FCWG) Observation:

1.1 The document from the applicant primarily concentrates on the visual impacts on PRowS rather than any analysis of the existing network and examination of the value of additional permissive routes across the wider DCO area. These shortfalls have been pointed out in all the FCWG representations at each stage to date. The applicant has offered no substantive response and has actively sought to exclude our group from discussions.

At the earlier stages, the applicant confirmed that they were still in discussions with the landowners, so there is no compelling reason why permissive routes within the DCO boundary could not have been achieved then. Furthermore, the applicant has very recently at deadline 6, been adding marginally to the permissive routes.

Against that background, it is considered both unreasonable, and unconvincing, should the applicant now claim that it is too late to include permissive routes within the DCO.

1.2 Whilst there may be EIA guidelines regarding the degree of visual impact, we feel that there is still a subjective element as to which category the impact is placed. We feel these impacts are undervalued by the applicant particularly where there are cumulative impacts over a wide area. What we are alluding to is that walking is an activity where views are continually unfolding. To say that a particular individual view is only partial or glimpsed and therefore not harmful is misleading. Walkers, as sensitive receptors, are affected by the overall sequence of views which collectively may be greater than the sum of the parts.

2. Fordham (Cambs) Walking Group's Response to the Applicant's Document

2.1 *"2.1.2 The PRow network across the study area is generally sparse and fragmented, particularly in the southern part of the Scheme, and consists predominantly of footpaths and occasional bridleways. Most routes start at settlement edges, but do not generally connect well across the wider landscape".*

It has taken a long time for the applicant to acknowledge this with any clarity. The statement could be expanded upon to say that radial and orbital routes between and around settlements are, in most all cases, fragmented and incomplete. FCWG has identified 15 such settlements with the zone of influence of the DCO. The applicant identifies only 3 settlements for permissive routes, and furthermore, makes an incomplete response to those.

2.2 *“2.1.3 There are no long-distance trails or other promoted routes shown on Ordnance Survey maps which cover the Scheme. Large tracts of land, particularly across the central part of the study area between Fordham, Isleham, Worlington and Freckenham have no designated PRow and public access to these areas is limited to busy country lanes”.*

The applicant’s statement is only partially correct. There is a PRow route from Fordham to Isleham, but the applicant fails to show it on the submitted drawings. The public footpath route is on the County’s definitive map, is indirect and runs from Moor Farm, Moor Road Fordham, to Temple Road Isleham. The two roads are single track with very low vehicular traffic and are as such attractive for NMUs. The applicant also appears unaware of the permissive route between Fordham Moor Bridge and Isleham Nature Reserve. The applicant only mentions *Fordham, Isleham, Worlington and Freckenham*, as having limited access. No reasoned justification is given for omitting the other settlements 11 settlements close to the DCO identified by FCWG which also suffer from limited access.

2.3 *“3.1.2 The expectations and experiences of different users will vary but on the whole, due to the rural nature of the study area, the majority of users of PRow are recreational users”.*

FCWG disagree with the weight of this assumption which doesn’t define which PRow they are referring to. It underplays the value of routes to our local communities. Some people walk or cycle between the 15 settlements we identified, and this includes school, work, wellbeing, family, social and shopping trips. Others are put off by the poor NMU network which needs improvement to meet the latent demand.

2.4 *“4.1.14 The Scheme will provide a new permissive path which will complete the link between Freckenham and Isleham, via a route through the grassland proposed to the south of parcel E05, parallel with Beck Road, thereby creating an improved, safer situation than is currently the case”.*

This is incorrect as there will still be a missing link as no details have been submitted to avoid walking along Sheldrick’s Road.

2.5 *“4.1.25 Badlingham Road U6006 is an unclassified road marked on Ordnance Survey maps as an “other route with public access”. U6006 extends 2.3km north from Elms Road to Worlington, across the eastern part of Sunnica East Site B. U6006 forms part of the route linking Worlington to Badlingham. South of Elms Road the U6006 joins footpath W-257/010/0 to Badlingham”.*

This is incorrect, the point south of Elms Road where the U6006 joins footpath W-257/010/0 goes to Chippenham.

2.6 *“4.1.29 U6006 passes through the centre of Sunnica East Site B and is enclosed by dense vegetation, with a high proportion of evergreen trees and scrub on both sides through the section where solar panels are proposed within parcels E12 and E13, restricting views out to the surrounding landscape. It is technically a road, but it is narrow and unsurfaced and is predominantly used for recreation”.*

This is in part incorrect; the part of Badlingham Road south of Elms Road is metalled. To say now that it is predominantly used for recreation contradicts the applicant’s stance in their response to FCWG’s deadline 3 written statement. Sunnica claimed that Badlingham Road is hazardous, in responding to this group’s suggestion that their parallel route through E19 is hardly needed, and relatively low on the list of priorities for better routes across the wide area of the DCO. FCWG regard Badlingham Road, with its minimal vehicular traffic and generous verges, a safe and pleasant walking route. Also, the Sunnica route along the edge of a large field of solar panels is markedly less attractive. With that in mind, a more effective investment could be made in permissive routes elsewhere across the expanse of the DCO site.



2.7 *“4.1.35 Over 1.5km of new permissive routes are proposed at the northern end of U6006, creating a new link to Golf Links Road to the north-east and providing a new, more direct link to Worlington to the north. The permissive route would go through proposed woodland planting north of E24, continuing along the north of parcels E26 and E27, set within a grassland buffer and alongside the existing woodland to the north. An additional permissive route is proposed to the north-west of U6006 crossing through the proposed ecological grassland south of Joan’s Meadow. This will create a short, circular route through attractive, biodiverse acid grassland close to the edge of the village, utilising an existing track”.*

The existing route from the point on Green Lane U6006 52°19.797'N, 0°29.042'E, to 52°19.791'N, 0°29.843'E on Golf Links Road is 0.72 mile. The 'possible' permissive route proposed by the applicant between these points is longer at 0.74 mile and passes alongside solar panels. Given the circumstances, this proposed permissive route does not improve connectivity.

It simply does not provide a "*more direct link to Worlington to the north*".

2.8 "4.1.47 New permissive routes are proposed adjacent to Elms Road south of E16 and west of E19. These routes will provide valuable, off road connections between existing routes from Red Lodge and Badlingham with U6006, as shown on the Environmental Masterplan [REP5-011]. There would be views west across the paddocks of Brookside Stud and the rural landscape beyond."

The existing NMU route from point 52°18.985'N, 0°28.032'E on Elms Road to Badlingham point 52°18.688'N, 0°27.712'E is just 0.40 mile. It passes along a very quiet pleasant lane as indicated at paragraph 2.6.

The Applicant's possible permissive route between these two points is 0.75 mile and passes alongside solar panels. It very hard to see how this longer route would be enticing to NMUs, nor would it add anything whatsoever to connectivity.

The applicant's claimed benefit of *valuable, off road connections* is simply not true.

2.9 "4.1.68 The following viewpoints are representative of receptors using these PRoW: • VP42A: view south-west from Park Farm and PRoW 49/2 - Figure 10.67C and 10.67D [APP-218] • VP45: view north-west from footpath 204/1 - Figure 10.70A and 10.70B [APP-219]"

In the case of VP45: View north-west from PRoW (footpath) 204/1, east of Snailwell, this is a route well known to members of our group. The 0.9 mile transit along the route between VP45 point 52°17.122'N, 0°24.535'E and point 52°17.685'N, 0°25.327'E affords views to, and over, Chippenham Fen National Nature Reserve. Whilst it may lack an official landscape designation, it is a landscape largely free of any built interventions and as such is very highly valued by our local community. In 2022 for the first time, a pair of marsh harriers visited and bred for the first time. In this view it was possible to see the birds' courtship display, wheeling and tumbling over the trees and meadow; male and female partners locking talons in mid-air. Later in the season, adult birds teaching hunting skills with their young. We fear that solar panels here would mean that this species would be unlikely to return as the

habitat is already a limited spatial area for their needs. It is hard to see that panels would not be a deterrent viewed from above.

2.10 *"5.1.6 The Scheme would deliver the following benefits to the existing PRoW network: d) Enhance existing the age structure and species composition of vegetation to screen built elements of the Scheme, including from glint and glare effects. e) Provide new permissive routes which connect with the existing PRoW network and enhance access to the countryside with a choice of longer and shorter routes. f) Encourage use of existing PRoW and new permissive routes and discourage incursions into ECO areas through signage and fencing. g) Contribute to enhancement of the wider PRoW beyond the Scheme through s106 contributions".*

The applicant's documented proposals provide very little *new permissive routes which connect in a meaningful way with the existing PRoW network*. Nor do we see a net enhancement to access to the countryside where such a large area is covered with solar panels. We are not seeing *a choice of longer and shorter routes* that are meaningful or commensurate with the extent of the development contained in the DCO.

In relation to the late introduction of the possibility of S106 payment for local authority provision off site, there are no specific proposals relating to how much, when and where. There will also be uncertainty that landowners would cooperate at all.

The opportunity exists within the DCO for linking up Red Lodge to Burwell and Isleham to Snailwell. There has been no such opportunity in living memory and it is difficult to see how such opportunity might arise again in our lifetime. The applicant's approach to sustainable development is too narrowly drawn in our view.

The DCO boundary stretches 12.0 miles through the site from west to east and 6.8 miles through the site north to south. We have no information that the Counties have costed per mile for specific paths. We have no information to demonstrate the length of paths proposed. We are not satisfied that the length and location of the paths proposed is appropriate and related in scale to the development.

2.11 **5.1.7 Proposed permissive paths** - *The Scheme proposes five new permissive routes, as illustrated in the Environmental Masterplan [REP 5-011]. These proposed permissive paths would enable increased public access across the landscape of the local area and respond positively to local green infrastructure strategies and local planning policies relating to rights of way. The proposed permissive routes are described below. a) Parcel E05: around the solar panels in parcel E05 and running parallel with Beck Road within Sunnica East Site A. This would provide increased connectivity between Isleham to the west and Freckenham to the south via bridleway W-257. It would also provide opportunities for shorter circular routes and would connect with a new space to the west of*

E05 where a memorial to the B50 crash site would be located. b) along the southern edge of Sunnica East Site B and adjacent to Elms Road; to connect existing routes from Red Lodge with U6006. c) along the northern part of Sunnica East Site B, providing access between U6006 and Golf Links Road.

Initially the applicant proposed three possible permissive routes of varied and questionable value considering amenity and connectivity. The additional two routes are also considered to be of questionable value for the reasons given elsewhere in this representation, our main deadline 7 statement and those proffered at deadlines 3 and 6. We remain unconvinced that the applicant is making a sufficient response to *infrastructure strategies and local planning policies relating to rights of way*.

2.12 *"5.1.9 The Applicant listened to the submissions made at the hearings in December seeking for it to contribute towards improvements to the PRoW network. It has responded positively to these submissions by commencing discussions with Cambridgeshire and Suffolk County Council about making a contribution towards the improvement of existing PRoW and/or the establishment of new PRoWs within the vicinity of the Scheme. It prepared and sent to the Councils Heads of Terms in respect of a proposed legal agreement in December 2022 and will further discussions over the coming weeks".*

The applicant has not responded to the FCWG who expressed a wish to be kept informed and involved in matters relating to PRoWs and discussions on permissive paths.

3. CONCLUSION

3.1 There is still no evidence from the submitted material that the applicant has surveyed and made a proportionate response to the need for permissive routes around the whole DCO area. The very limited permissive routes proposed demonstrate the lack of a comprehensive assessment.

3.2 The permissive routes proposed are insignificant in relation to the scale of the project. Their location benefits just three villages of the fifteen in the zone of influence identified by FCWG in our deadline 2 written statement document EN010106-003889.

3.3 The proposal pays insufficient regard to the applicable planning policies and government advice previously identified in FCWG deadline 2 statement and it is felt that the DCO should be recommended for refusal on that basis.

3.4 The planning policies are referred to in greater detail in Appendix FCWG-1 of FCWG Written Statement document EN010106-004531 provided for the second deadline. Particularly, the proposal fails to adequately comply with paragraphs 92, 104 and 112 of The National Planning Policy Framework 2021.

The low level of permissive paths fails to adequately satisfy the following development plan policies: Policy COM 7 of the East Cambridgeshire District Council Local Plan Adopted April 2015; Policy DM2 parts K&L, DM37, DM 44 and DM45 of the Forest Heath and St Edmundsbury Local Plan: Joint Development Management Policies Document (2015); and Policy 10 of the Fordham Neighbourhood Plan 2018.

3.5 Sunnica have suggested (ISH3) a late option of possible contributions to the local authorities to fund permissive paths off site. FCWG have several concerns regarding this course of action:

- There is a lack of specific information regarding what, when and where is being proposed together with the level of financial contribution.
- Uncertainty of delivery – reluctant landowners, many things that may frustrate timing or prevent delivery.
- S106 chargeback if the contribution has not been spent or committed for expenditure within a period. Some LPAs will refuse to reimburse unspent funds but will instead recommit these for other purposes. All the achievements of the LPAs as detailed in their RoW improvement plans are located away from the DCO area and there are no specific proposals for the DCO environs. We are concerned at any further relative loss of funding for areas on this Suffolk/Cambridgeshire County fringe. There is a strong case for levelling up.
- Sunnica reluctance to carry out an adequate assessment.
- Sunnica reluctance to deliver an adequate contribution/provision commensurate with the scale of the development proposed.
- Sunnica resistance to include FCWG as a stakeholder in the ongoing discussions and a general lack of public scrutiny to ensure an appropriate level of provision.