Interested Party Ref No: 20029971

Comments on responses to the letter of 27 July 2023 from the Head of Energy Infrastructure Planning Delivery Department for Energy Security and Net Zero

Deed of Obligation

The Applicant is claiming the Deed of Obligation was completed at the close of the Examination which clearly contradicts the information contained in the letter of 27 July 2023.

Battery Energy Storage System Design and Hazardous Substance Consent

At the close of Examination the Applicant had not concluded whether the Battery Energy Storage System ("BESS") would fall under one of the three categories in Schedule 1 of the Health and Safety Regulations, as the BESS design had not been finalised.

The Applicants position that *'it is not known at this stage (i.e. prior to detailed design taking place) whether hazardous substances consent is required for the Battery Energy Storage System ("**BESS**") element of the SEF* is reckless, unacceptable and shows a wilful disregard for health and safety.

The Applicant claims that *'if hazardous substances consent is required then there is "no necessity for that to be obtained alongside the application for the development consent"*.

It is my view, it is only acceptable that hazardous substances consent it should be obtained *prior* to the application for DCO, and until it is the application should not be proceeded with.

The Applicants view that it *'will only be able to determine whether hazardous substances consent will be required once it undertakes detailed design which will not occur until post granting of the development consent order ("**DCO**")* and its confirmation that it (the Applicant) is in *the same position now as it was during the examination* confirms yet again, that the application was not completed at the close of the Examination and therefore should not be proceeded with.

The Applicant acknowledges that '*the BESS design will be subject to the approval of the relevant planning authorities'*. It is wholly unacceptable if the relevant authorities and agencies are be expected to approve BESS design, post-application consent.

The Applicants view that *'Health and Safety law 'generally, appears' to concur with Sunnica's position that the necessity for hazardous substances consent will not be known until detailed design* stage is hardly reliable evidence and genuine agreement and compliance should be provided prior to the application proceeding.

If, as claimed by the Applicant, the Longfield Solar Farm Order 2023 and Cleve Hill Solar Park Order 2020, failed to include provision for BESS and hazardous substances consent was not sought either through the DCO or in parallel with it, prior to the Secretary of State granting development consent then this is of real concern. Although both are significantly smaller

than the proposed Sunnica development, the implications are the same and it is a very dangerous precedent to set.

Are local communities to be subjected to – a literal – unknown and ongoing potential threat to life? Something that they and their local authorities and agencies are unable to respond to?

It is wholly unacceptable that local communities, authorities and agencies are to be expected to accommodate the imposition of Applicants and agree to a BESS design, post-application consent. The implications of this are huge and include, but are not limited to:

There would be no guarantee that local emergency services could provide an adequate response to any incident.

There would be no guarantee that local authorities could undertake organisation of, or bear the cost of putting in place any mitigation for any incident.

The cost to local authorities/agencies of both day to day mitigation and that required due to an incident cannot be factored in. Therefore, the further cost to the local community cannot be measured; this is unfair, unreasonable and biased in favour of the Applicant.

Isleham Bomber Plane Crash Site

The Applicant is claiming the licence from the Joint Casualty and Compassionate Centre confirming the extent of the exclusion zone around the crash site was sent to the Secretary of State prior to the close of Examination which clearly contradicts the information contained in the letter of 27 July 2023.

It is noted that the MOD has refused to grant a licence extension beyond 16 May 2023.

I would comment however, that it is my personal view that such a site – which is honoured as a memorial both locally and further afield - should never be developed.

It is unspeakable that memorial sites should be plundered for financial gain in this way.

Side Agreement with the Local Highways Authority

At the close of Examination

The Applicant failed to confirm whether the protective provisions and side agreements with the local highway authorities were concluded.

Confirming yet again, that the application was not completed at the close of the Examination and therefore should not be proceeded with.

Glint and Glare

At the close of Examination, the Applicant knowing disagreement remained on the issue, failed to confirm any further updates in respect of its position on its assessment of glint and glare impacts, in particular in relation to impacts on equestrian users.

It is noted that the Applicant has at all times, acknowledged there will be Glint and Glare issues, and at particularly sensitive times of the day (particularly in relation to the horseracing community). It suggests mitigation through screening will in places rely on 'the proposed planting'. There is no detail or guarantee of this planting, how long it will take to establish and no demonstration of any mitigating effect. This should have been made publicly available before the close of Examination.

Breckland SPA

Natural England's response concerning the draft evidence document regarding its research into the functional linkage of stone curlew populations of the Breckland SPA, as summarised in [REP5-096] and [REP7-104], that it *'is not yet publicly available and we are not currently able to provide a date by which it will be published'* is unsatisfactory.

It is my view decisions regarding this matter should not be concluded without the opportunity for *all interested parties* to view the evidence documentation, that should have been made publicly available before the close of Examination.

Soil Classification

Letter from the Rt Hon Lucy Frazer KC MP and Matt Hancock MP sent to the Secretary of State containing a letter from SNTS on 25 July 2023

I have lived locally for over twenty years, travelling through the area daily for work and pleasure and I do not recognise the classification of the land as represented by the Applicant.

I have come to know many of the fields seasonally by their farming activity and the progress of their crops, which in most cases are two and on occasion, three per year. This is one of the most productive areas of the country. Crops are plentiful with significant, and on occasion, record yields.

I see potatoes, winter and spring wheat, winter and spring barley – including premium quality barley for the brewing industry - sugar beet, onions, carrots, parsnips and oil seed rape and other horticultural crops along with grazing for Cattle and Pigs.

The Applicant's claim that the land within the order limits is only 3% BMV is, in my view pure fabrication.

The Applicant has used outdated and incorrect land classifications to identify the productive land within the application. Full disclosure information regarding actual yields over a

sustained period – ie the life and beyond of the solar development – should be sought to quantify the loss.

Both the Applicant and SNTS have engaged independent soil specialists to determine soil classification within the order limits.

It must be apparent to the Secretary of State where the BMV calculations vary so markedly between 3% and over 50%, that such a huge discrepancy must be investigated further and fully to determine the veracity of each claim.

There is also real concern that Natural England in refusing to engage meaningfully with SNTS, is not only demonstrating unfair bias favour of the Applicant, but is also failing its statutory purpose.

Multiple recent global events and the ongoing climate change have focussed minds on the importance of food security. The appropriate use of land is therefore critical. Land is a finite resource and food security should be prioritised. Any loss or change of use of productive agricultural land/farm should be resisted.

East Anglian is noted for the highly productive fenland primarily in the north of the region. At 1500 square miles (388,498 hectares) the Fens include half of the most productive agricultural land in England with nearly 40% of England's vegetables grown there supporting a food chain worth £3bn to the economy. However, much of its highly-productive soil is below sea level and at serious risk from flooding as a consequence of climate change, threatening the profitability of agriculture and food security.

In addition, continual soil erosion and the consequences of hundreds of years of intensive land management is threatening soil quality; it is considered future active agricultural use of the Fens could cease in less than 30 years. Regionally and nationally, we cannot afford to take any productive farmland out of production.

The Prime Minister's pledge to 'Protect the best agricultural land from (sic) large-scale solar farms, to make sure they have minimal impact on food production' should be heeded.

It is a vitally important tenet of any Government and recognition that it is insupportable that such a precious and finite resource as valuable green land that has been or is used for farming which contributes to the £4.2 billion to the UK economy annually, should be lost to industrial development.

It would be morally irresponsible to develop this land.

General

Notwithstanding my comments above on the specific requests for information contained in the letter of 27 July 2023. I would comment in general, that the process continues to appear to favour the Applicant rather than the affected community.

Throughout the process the Applicant has failed to satisfactorily engage with the local community, introducing their own timetable which has put the community at a disadvantage; the pattern of the Applicant's own failings to consult, engage, provide or submit information as required, has been followed by a pressurised timescale for responses at the most inconvenient times when the fewest people are able assess, participate and comment.

The poor quality of the application led to an unacceptable level of unresolved issues at the end of the Examination period, which confirms yet again, that the application was not completed at the close of the Examination and therefore should not be proceeded with.

The Applicant has already been given multiple extensions to deadlines both pre- and now post- close of Examination, with numerous and sufficient opportunities to provide the statutory information required for their application.

All other interested parties have been able complete requests to the require deadlines. This position would appear blatantly biased and unfair and unreasonable to other parties and those who oppose the Scheme.