

**East Park Energy Solar Project**

**DCO Application 010141**

**Deadline 3 - Phil Wayles responses to Applicant Response to Written Representations**

Ref	Phil Wayles WR Comments	Applicant Response	Phil Wayles
PW-WR-01	<p>The Applicant’s methodology comprised “a qualitative comparison” of the three Zones using these factors, which resulted in Zone B being the preferred site for the solar farm. [redacted] on behalf of the Applicant confirmed at the ISH that the BMV land classifications were determined through a Desk Study in 2022, Reconnaissance survey in 2023 and then discussed with Natural England in 2024. This questions the validity of the sequential test and in particular the validity of the ALC/BMV data used in the site selection process because this work happened before the desk study work according to [redacted].</p>	<p>There is no ‘sequential test’ requirement for BMV agricultural land within the EIA regulations, or within the designated energy NPSs. This principal was tested through the courts in <i>Bramley Solar Farm Residents Group v Secretary of State for Levelling Up, Housing and Communities [2023] EWHC 2842 (Admin)</i>. The judge held that Planning Practice Guidance requires decision makers to consider whether the use of agricultural land has been shown to be necessary, whether poorer quality land has been preferred, and whether the scheme would allow continued agricultural use or biodiversity benefits. The guidance does not require an applicant to prove that every other possible site has first been ruled out, and it does not create the kind of strict sequential exercise that applies in other areas such as flood risk.</p> <p>NPS EN-3 pushes applicants toward previously developed and lower quality land where possible, and says that where agricultural land is necessary, poorer quality land should be preferred and the use of best and most versatile land avoided where possible. At the same time, NPS EN-3 also makes clear that ground mounted solar is not prohibited on best and most versatile land.</p> <p>NPS EN-3 states at paragraph 2.10.31 that “Applicants should explain their choice of site, noting the preference for development to be on suitable brownfield, industrial and low and medium grade agricultural land”. This is what the Applicant has transparently done as part of the <b>Site Identification Report [APP-058]</b>. A clear sequential approach was followed to rule out brownfield or previously developed land and demonstrate that agricultural land</p>	<p>Noted, although it is still a major concern that Zone B has the largest BMV% of the three alternatives.</p>

		<p>was necessary to meet the project objectives; and that once it was established that agricultural land was necessary, development was directed towards areas of land where best and most versatile land was less likely to occur – thus, poorer quality land was demonstrably preferred by the Applicant, whilst taking into account other factors (set out in NPS EN-3) which influence site selection. Had the Applicant not sought to prefer lower quality land, then it is possible that none of the ‘Search Zones’ identified in the <b>Site Identification Report [APP-058]</b> and shown clearly on Figure 6 of that document would have been identified – as set out at paragraph 5.4.2 of the <b>Site Identification Report [APP-058]</b>.</p> <p>The desk study work referenced during ISH2 was undertaken as part of land collation due diligence, rather than as part of the work on the initial site identification exercise.</p>	
PW-WR-02	<p>The Applicant’s approach failed to consider several other relevant crucial factors in the decision-making process, including:</p> <ul style="list-style-type: none"> <li>• Cultural Heritage</li> <li>• Landscape and Visual Effects</li> <li>• Ecology and Nature Conservation</li> <li>• Hydrology and Flood Risk</li> <li>• Traffic and Transport</li> <li>• Legacy</li> </ul> <p>The assessment of alternative sites may have resulted in a different outcome if all these factors had been considered.</p>	<p>These environmental constraints were originally considered as spatial constraints, as set out in Section 5.2 of the <b>Site Identification Report [APP-058]</b>.</p> <p>In the second stage of site identification, reported in <b>ES Vol 2 Appendix 3-2 Land Identification Report [APP-059]</b>, environmental factors including landscape and visual effects, the historic environment, ecology and nature conservation, and environmental legacy were considered in defining the site boundary.</p>	<p>The response misses the point that these important factors were not used in the appraisal of the 3 Zones in Section 6.0 of the Site Identification Report. Furthermore, the spatial constraints did not form part of the actual appraisal of the 3 Zones, nor do they consider the necessary level of detail to undertake a robust assessment for the 3 Zones. For example, the Designated heritage sites constraint does not consider scheduled monuments, Grade 1 listed building etc.</p> <p>The important matter of traffic and transport was not considered in this assessment.</p>

			I still maintain the assessment of alternative sites may have resulted in a different outcome if all these factors had been considered.
PW-WR-03	The whole site selection and assessment process and decision to use the Eaton Socon substation as the Point of Connection fails to acknowledge the presence of the Little Barford substation as a reasonable alternative.	<p>Following the widely publicised grid reform process undertaken by the National Energy System Operator (NESO) over the past few years, the Applicant received a ‘Gate 2’ generation connection offer to the Eaton Socon Substation which is 2030 aligned. This connection offer is not transferable to another point of connection, and is not speculative. The connection offer has always been for the Eaton Socon Substation, and that has therefore dictated the site selection process and consideration of alternatives. An alternative point of connection such as the Little Barford Power Station (which has been raised by SEPE as well as other Interested Parties) has therefore not been considered as it is not a viable alternative for this project.</p> <p>Paragraph 4.3.22 of NPS EN-1 is clear that “the consideration of alternatives is to be proportionate and <i>limited to alternatives that can meet the objectives of the proposed development</i>” [emphasis added]. An alternative point of connection to any other substation (including the Little Barford Power Station) would not meet the objectives of this project – such alternatives therefore do not need to be considered by the Applicant. It is acceptable for the assessment to focus on the point of connection that has been offered, and to assess the scheme on that basis.</p> <p>Such an approach was considered by the Secretary of State on the consented Gate Burton Energy Park NSIP – on that case, at paragraph 3.2.77 of the Examining Authority’s Recommendation Report the ExA concluded that it is not an unreasonable starting point for an Applicant to take the agreed point of connection with the grid as a basis for considering alternatives.</p> <p><i>In Bramley Solar Farm Residents Group v Secretary of State for Levelling Up, Housing and Communities [2023] EWHC 2842</i></p>	<p>The response still does not address the issue that the assessment of reasonable alternatives for the Point of Connection and associated appraisal of the Search Zones should have occurred before the substation connection application was made.</p> <p>It is NSIP best practice to undertake a robust and transparent assessment of all reasonable and plausible alternatives solutions. There is no evidence presented in the application that a Point of Connection to the Little Barford power station/substation was not a viable alternative for this project.</p>

		<p>(Admin), the High Court upheld an approach in which proximity to an available grid connection point was treated as a primary site selection factor affecting viability, noting that a connection agreement had been secured.</p> <p>The Applicant contends there is no legal or national policy requirement to provide an ‘Integrated Grid and Site Alternatives Assessment’ looking at theoretical alternative points of connection for the Scheme, as requested by SEPE and other Interested Parties.</p>	
PW-WR-04	<p>The £35M electricity network upgrade project by UK Power Networks installed a new 132kV underground cable stretching 2.5km between the Little Barford and Eaton Socon substations. This project clearly shows the Applicant’s perceived significant technical barriers for a Grid Connection to the site named Zone C could be overcome.</p>	<p>The Applicant’s conclusion in relation to a grid connection between Zone C and the Eaton Socon Substation is set out at paragraph 6.2.6 of the <b>Site Identification Report [APP-058]</b>:</p> <p><i>“Zone C is significantly constrained by the characteristics of the land between it and the Point of Connection. Any reasonably direct grid connection corridor would be required to cross the railway, the River Great Ouse, the A1 or A421, minerals working areas, and dispersed residential areas. The A428 Black Cat to Caxton Gibbet highway scheme is also expected to be built between Zone C and the Point of Connection. The grid connection corridor would likely result in significant environmental effects due to the nature of the intervening constraints, and be of a complexity that could affect commercial viability. This constraint is significant enough that Zone C is not considered a reasonable prospect, and should be discounted.”</i></p> <p>The Applicant maintains this was a reasonable conclusion, and in line with national policy as follows.</p> <p>Paragraph 2.10.24 of NPS EN-3 states that: <i>“the connection voltage, availability of network capacity, and the distance from the solar farm to the existing network<sup>84</sup> can have a significant effect on the commercial feasibility of a development proposal.”</i></p>	<p>My original comment was made to highlight the recent UKPN scheme demonstrated there were no technical barriers to providing a connection to Zone C, which was the main constraint in the qualitative appraisal of Search Zones in the Site Identification Report. Costs/commercial viability did not form part of this appraisal.</p>

		<p>Footnote 84 states: <i>“The route and type of terrain traversed by the cabling linking the solar project to the grid connection may also have an impact on the project’s viability.”</i></p> <p>Therefore, whilst UKPN may have been able to provide a network upgrade between the Eaton Socon Substation and the Little Barford Power Station out of necessity for the transmission and distribution network, and no doubt using their powers as a statutory undertaker, it was correct to rule it out for the purpose of a site identification exercise for the Scheme, and NPS EN-3 acknowledges this.</p> <p>The Applicant highlights anecdotal evidence<sup>2</sup> available online from a contractor appointed to deliver the connection on behalf of UKPN, which states: <i>“As complex goes, the Little Barford to Eaton Socon project had it all; an important river, a golf course, flood plains, two national trunk roads, and a large industrial estate to cross in addition to pipe string out restrictions. It was even once labelled as a project that ‘could not be built’ ”.</i></p> <p><sup>2</sup> <a href="https://www.mccormackdrilling.com/gas-drilling-barford">https://www.mccormackdrilling.com/gas-drilling-barford</a></p>	
PW-WR-05	<p>Significantly, the Point of Connection at the Eaton Socon substation appears to be an issue and is not secured. NGET’s Relevant Representation says, “the substation is currently full and will require expansion, rebuild or provisions of a new substation to facilitate future connections (this includes the Project)”. This questions the viability of the East Park Energy scheme</p>	<p>Following the widely publicised grid reform process undertaken by the National Energy System Operator (NESO) over the past few years, the Applicant received a ‘Gate 2’ generation connection offer to the Eaton Socon Substation which is 2030 aligned.</p> <p>A Grid Connection Agreement is a firm obligation by National Grid Electricity Transmission (NGET) to enable the Applicant to connect the Scheme to the NGET Eaton Socon Substation. This is clearly defined and there are no uncertainties in respect of this and NGET is under a contractual obligation to ensure that the Scheme is connected to the substation.</p> <p>Due to planned upgrade works to the substation NGET has been unable to confirm the exact point of connection for the Scheme</p>	<p>It would be helpful if the Applicant could set out the timeline for EPE construction, the Gate 2 connection process and how this aligned with the work required for the expansion, rebuild or provision of a new substation at Eaton Socon.</p> <p>I note the BESS status is Gate 1 and does not have a guaranteed connection.</p>

		<p>within its current substation to date; however, it will be necessary to connect the East Park Substation (Work No. 3) to the NGET Eaton Socon Substation via 400 kV cable (Work No. 4). This does not mean that the cable route between panel areas or from the Applicant's proposed onsite substation to NGET's substation is uncertain. The only uncertainty is in respect of the exact point of connection within NGET's substation and it represents a small proportion of the land the Applicant seeks to develop. This has no impact on the viability of the Scheme.</p>	
PW-WR-07	<p>It remains unproven if the soil quality of the site when reinstated will achieve the same BMV land classification following decommissioning of the site.</p> <p>I am uncertain why the NFU have not been consulted not commented on this important policy matter.</p>	<p>The <b>oSMP [REP1-044]</b> secures a detailed soil management framework for construction, operation and decommissioning, including like-for-like stripping, segregation, storage and replacement of topsoil and subsoil, restoration of soils to the same parcel, protection of field drainage, and monitoring to verify against pre-construction condition.</p>	<p>The lack of precedent on other solar farms (let alone for the soils in this area) remains a concern as does which company will actually be responsible to manage / do this work following decommissioning.</p> <p>No response was provided as to why the NFU have not been consulted nor submitted representations on the important matter of BMV and food security versus construction of so many solar farms in the area.</p>
PW-WR-08	<p>National Highways commented in their Relevant Representation about the "significant volume of trips presented" at peak times and requested junction impact assessment to be undertaken, including for the A1/B645 junction. At the ISH, [redaction] behalf of the Applicant suggested that PICADY software would be used to model this junction. However, PICADY is not an appropriate tool for modelling the A1/B645 grade separated junction.</p>	<p>This is incorrect. The modelling software used to assess the potential impact on junction capacity at the A1 / B645 junction was JUNCTIONS 10. This comprises both the PICADY (priority junctions) and ARCADY (roundabouts) modules. The A1 / B645 junction effectively comprises a single priority junction and two mini roundabouts. The modelling software used is therefore appropriate for intended purpose in this case. National Highways has not raised any objections to the proposed methodology.</p>	<p>Noted, although I wasn't clear this approach had been agreed with National Highways (and CCC?) because NH often require more detailed modelling junctions on the Strategic Road Network, for example on the local A428 Black Cat to Caxton Gibbet scheme (where CCC also requested modelling of some LA junctions)</p> <p>I am also surprised that NH and CCC have not requested traffic modelling to be undertaken for the junctions to</p>

			the north and south of the A1/B645 junction where U turn manoeuvres are required. These include the A1 Buckden Junction, A1 Little Paxton Junction, Black Cat Junction and A428 Wyboston Roundabout.
PW-WR-09	The Applicant's construction traffic flows appear to be understated according to Relevant Representations and several speakers at the ISH, especially in relation to car sharing. National Highways stated in their Relevant Representation at Section 4.3.4 "... A car share assumption of 1.4 would result in a significant increase in the number of vehicles accessing the site, predominantly via the A1 junction with the B645". [redacted] from National Highways restated this important comment at the ISH..	<p>The Applicant has addressed this point at paragraphs 2.3.36-37 of the <b>Written Summary of Applicants Oral Submissions at Issue Specific Hearing 2 (ISH2) and Action Points [REP1-059]</b>, as well as at Action Point 7 of that document.</p> <p>This is also addressed in Section 3.0 of the <b>Technical Note on Impact on B645-A1 St Neots Junction [REP1-066]</b>.</p>	Noted
PW-WR-10	I have significant concerns about the introduction of the satellite compound and access (reference SA09), permanent highways improvements, impact on FP4 where it is coincident with the access track in the vicinity of the Green End site entrance and extra generated traffic at Green End, Little Staughton. It is important to note that the site access points and satellite compound locations were not disclosed during the consultation process.	<p>The site access points and construction compound locations were presented as part of the statutory consultation material, and are still visible as part of the Preliminary Environmental Information Report (PEIR) presented on the Applicant's project website. Feedback on these components is also evident in the Applicant's <b>Consultation Report and Appendices [APP-023 to APP-030]</b>.</p> <p>The construction compounds and site access points have been assessed as part of the EIA reported in the ES.</p> <p>The <b>outline Public Rights of Way Management Plan [REP1-042]</b> presents proposed mitigation measures in relation to FP4 at Little Staughton.</p>	<p>Response is noted, but details about location of the access points and satellite compound were not shown on the display boards and so were not clear to those attending the consultation events or who are unfamiliar with the PEIR documents.</p> <p>Proposed access SA09 currently has very limited usage and is shared with the well-used FP4 for approximately 150m.</p>

			<p>The level of effect and significance on the key receptor viewpoint for FP4 was assessed as “<i>Major Adverse / (Significant)</i>” in ES Chapter 5 Landscape and Visual 5.10 - Effects on representative viewpoints during construction.</p> <p>As one of many local residents who use this footpath frequently, I would ask the Inspector to consider recommending an alternative route to access this satellite compound via an amended internal haul road network.</p>
PW-WR-11	<p>Many roads are already in a poor condition and unsuitable for HGVs indeed Cambridgeshire County Council has imposed 18T weight restrictions for the whole of their area to the west of the A1 as shown their Cambridgeshire Advisory Freight Map. This could result in more HGVs being routed via local Bedfordshire roads and villages.</p>	<p>CCC has advised with reference to CCC-RR-42 in the <b>Applicant Responses to Relevant Representations - Host Authorities, Statutory Environmental Bodies, and Other Interested Parties [REP1-055]</b> that: “<i>Temporary weight restriction suspension would not be required as a weight restriction allows access to a property or development for access. In temporarily removing this weight restriction, it would open the area to non construction related heavy vehicles allowing them to use the surrounding roads which the council would not support.</i>”</p>	<p>The response misses the point that significant numbers of additional HGV traffic movements will cause damage to the many local roads that are already damaged or in poor condition and which are unsuitable for large volumes of heavy construction vehicles. Proof of which is the need to widen some roads on access routes and near site access points.</p> <p>Also, the suspension proposed (and so CCC’s response) related to the B645 between the A1 and main compound site entrance. HGV construction movements are required along/across other sections of the local roads and will cause further damage – not just during construction but also during the</p>

			operational replacement work and decommissioning phase
PW-WR-12	<p>I am concerned about the impacts on protected species throughout the life of the project. This includes the impact on habitats/roosts, foraging and commuting routes for all protected species due to the construction of the solar panels, crossing points, accesses and visibility splays. Lengths of many hedgerows will need to be removed or trimmed back to provide the necessary visibility splays at access and crossing points. This concern was shared by on behalf of Bedford Borough Council at the ISH.</p>	<p><b>ES Vol 1 Chapter 7 Ecology and Nature Conservation [APP-043]</b> provides an assessment of protected species.</p> <p>The Applicant has provided visibility splay drawings which at Appendix D of the <b>oCTMP [REP1-034]</b>. The required visibility splays would not involve the removal of any hedgerows, but could involve annual pruning of hedgerows should foliage grow out to obstruct visibility; this is covered in Section 5.4 of the oCTMP.</p>	<p>I am unsure how the Applicant can guarantee <i>“The required visibility splays would not involve the removal of any hedgerows, but could involve annual pruning of hedgerows should foliage grow out to obstruct visibility”</i> because the outline design for the accesses and crossings and associated visibility splays are based on lines on the OS base plans rather than an accurate topographical survey data. These plans do not accurately show the location, width or height of the adjacent edges</p> <p>I still contend it is very likely that longer lengths of hedgerow need to be removed and/or trimmed to provide the necessary visibility in accordance with DMRB standards.</p>
PW-WR-13	<p>It is illogical to exclude the Little Staughton Airfield Solar, Manor Farm Solar Park, High Wood Solar and Bassmead Manor &amp; Home Wood solar farms from the cumulative assessment.</p>	<p>The existing solar developments that are built and operational in the landscape are considered as part of the baseline for assessment. Developments that are consented, in planning or under construction are considered as part of the assessment of cumulative effects. The assessment of cumulative effects therefore includes for the existing solar farms, the proposed East Park Energy project, and other emerging developments. This is the correct approach to undertaking such an assessment.</p>	<p>My point here related to the significant overall cumulative impact of the existing and proposed solar farms in the rural landscape. It is acknowledged the landscape and visual cumulative effects of these solar farms are assessed in ES Chapter 5. However, the Applicant confirms in Section 5.11.9 <i>“The Scheme would result in an increased concentration of solar development in this part of the Southern Wolds LCA..... At Year 0, the cumulative level of effect would be Moderate</i></p>

			<p><i>Adverse, which is judged to be Not Significant.”</i></p> <p>This describes the assessed effects from a theoretical desktop study, versus the reality of the large number and vast extent of farmland and countryside covered with the existing and proposed solar farms as shown graphically below on the plan taken from the Stop East Park Energy website.</p>
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Figure 1 - The existing and proposed solar farms in the area as shown graphically below on the plan taken from the Stop East Park Energy website (Ref PW-WR-13)

