



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555

www.eastcambs.gov.uk

Planning Inspectorate (By email)

This matter is being dealt with by:

Andrew Phillips

Telephone: 01353 616359

E-mail: andrew.phillips@eastcambs.gov.uk

My Ref: 21/01695/NSIP

Your ref

16th March 2022

Dear Sir/Madam

Proposal: Application by Sunnica Ltd for an Order Granting Development Consent for the Sunnica Energy Farm
Location: Land North Of Snailwell (West (North)) And Land South Of Chippenham Park (West (South)) Including Connecting Network Through To Burwell Sub Station And To Sunnica (East) In West Suffolk
Reference: 21/01695/NSIP

Relevant Representation of East Cambridgeshire District Council under section 56 of the Planning Act 2008 in respect of the Sunnica Energy Farm application

1 Introduction

- 1.1 Throughout the pre-submission period East Cambridgeshire District Council (ECDC) has worked closely with the other host authorities: Suffolk County Council (SCC), West Suffolk Council (WSC), and Cambridgeshire County Council (CCC). The four local authorities have submitted joint responses to the applicant's non-statutory and statutory consultations. To simplify matters for the Examining Authority (ExA) and all parties, the four local authorities intend to submit a joint Local Impact Report (LIR) when requested to do so by the ExA during the examination.
- 1.2 As stated by SCC in its Relevant Representation, the four authorities have committed to working together during the course of the examination, with each local authority taking the lead in topics which relate to their function and expertise in their geographical areas. ECDC do, however, reserve the right to express views individually where considered necessary, and will be seeking to comment on its support or objection to the proposal when invited to do so under the Written Representation stage. At this stage ECDC will have had time to consider all information submitted under the joint LIR.
- 1.3 This Relevant Representation is submitted by ECDC on an individual basis to ensure that the ExA is fully informed of the matters of concern to those authorities and the communities and interests that they represent. This representation has been undertaken at officer level only (under delegated powers) and does not prejudice final comments by ECDC.

2 Summary

Overall position

- 2.1 On the 21 October 2019 East Cambridgeshire District Council declared a climate emergency, with the Leader of the Council stating:

“We acknowledge that the Council has a significant role to play in protecting and improving the environment for future generations and so we made the decision to amend our own climate change motion to formally declare a climate emergency.

We are proud of the work we already do as a Council to reduce our impact on the environment and we welcome the opportunity to join over 200 other Councils across the UK who are also working to fight climate change. On behalf of our residents, we as a Council will be taking the appropriate actions. The most ambitious piece of work already underway by the Council is the development of a joint bid with Cambridgeshire County Council to Innovate UK to design an energy system to deliver net zero carbon emissions from energy use in East Cambridgeshire by 2050; the project focuses on shifting transport, gas and oil use to electricity and to grow the electricity network to cater for the change.”

- 2.2 However, the proposal has raised significant concerns from some consultees. The first of these is rather than being perceived as a solar development occupying an area of land within a wider landscape, Sunnica has the potential to dominate and transform the local landscape, to alter it beyond recognition, and thus to create a new landscape altogether.
- 2.4 The fragmented layout of the proposals, located amidst and around several settlements and within a historic landscape, has the potential to impact on local character to such an extent as to affect the sense of place, and the place attachment of the residents, of the affected villages and communities. Many residents will experience the adverse visual and perceptual effects of various elements of the solar farm, as part of their daily routines. The visual elements include not only the panels themselves, but also the battery storage compounds and general security infrastructure such as fencing and lighting, as well as access roads.
- 2.5 The developer has failed to provide sufficient information in regards to the impact upon trees in order for a professional judgement to be made either at this stage or at the LIR.
- 2.6 The proposed development will have a detrimental impact upon the Chippenham Historic Park and Garden.
- 2.7 There is substantial concern in regards to the proposed hours of construction work.
- 2.8 There is substantial concern on the potential detrimental impact upon biodiversity.
- 2.9 These issues will be aimed to be fully explored in the LIR, where the developer has provided sufficient information to do so. In addition, new significant concerns may come to light once the joint LIR is completed.

3 Cultural Heritage

Conservation Areas, Listed Buildings and Historic Park and Gardens

- 3.1 ECDC will respond in full in regards to the impact upon built and listed heritage as part of LIR. However, the Council's Conservation Officer has raised significant concern over the detrimental impact upon the Grade II Listed Chippenham Park.
- 3.2 It is noted that the developer has stated there will be adverse impact upon the historic setting of this Grade II Park and the selection of the site shows that the impact upon heritage has not been duly considered.

- 3.3 Screening (landscape) can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well designed developments within the setting of heritage assets.
- 3.4 The Council will be considering Historic England's 2017 guidance 'Historic Environment Good Practice Advice in Planning Note3: The setting of Heritage Assets' when it undertakes the LIR.

Archaeology

- 3.5 Cambridgeshire County Council Historic Environment Team will be considering this and will input into the LIR. ECDC might wish to provide comment after the LIR has been completed. It is also expected that Historic England will provide comments and that these will be duly considered.

4 Ecology and Nature Conservation

Scheme Design

- 4.1 There has been an insufficient adherence to the Mitigation Hierarchy, in which proposed developments should seek to avoid impacts on biodiversity as a priority, and only use mitigation and compensation methods when there is no alternative.
- 4.2 Given the type of development, it is considered that more could have been done within the scheme layout to adhere to the Mitigation Hierarchy, particularly in relation to stone curlew and arable flora.

Habitat Regulations Assessment

- 4.3 The scheme will result in adverse impact to functional land of the Breckland SPA and its population of stone curlew (for which it is designated). It is unclear why the scheme has not been designed to avoid destruction of stone curlew habitat. Furthermore, there is concern that the proposed compensatory measures contain too much risk, and that management plans are lacking important detail.
- 4.4 The ES chapter and the Outline Landscape Management Plan (OLEMP) state that 'a maximum of 10 2ha plots will be created'. This gives no certainty as to how many will be provided. As surveys recorded five pairs of stone curlew within the scheme footprint, ten plots was described in the Habitats Regulations Assessment as an allocation of two plots per pair. A firm commitment to the ten plots should be made.
- 4.5 Insufficient details have been supplied about the habitat creation and its long term management, to ensure suitability for stone curlew. It is therefore difficult to have confidence that the adverse impacts identified in the Habitats Regulations Assessment will be adequately mitigated for.
- 4.6 Given the uncertainties, and the importance of the stone curlew population, it would be best practice to have some alternative plan of action, in case the habitats are not suitable; this could be in the form of changes to the habitat management, changes to the operational activities on the site or alternative locations for habitat creation for stone curlew.
- 4.7 There are public rights of way and roads close to areas identified as replacement habitat for stone curlew, which could cause disturbance unfavourable to the condition this species requires for nesting successfully. Furthermore, there is potential for disturbance during the operational phase of the solar farm, created by staff working at the site.

- 4.8 Inadequate consideration for adverse impacts to Chippenham Fen Ramsar site and Fenland SAC has been made in the Habitat Regulations Assessment.

Assessment of effects

- 4.9 The Ecology and Nature Conservation chapter of the Environmental Statement (ES) is lacking important details and relies too heavily on unsubstantiated management plans.
- 4.10 There is an inadequate characterisation of impacts and it is unclear why some ecological features have been excluded from detailed assessment.
- 4.11 The detailed assessment relies heavily on the Framework CEMP, Framework OEMP and Outline LEMP (OLEMP) for the delivery of mitigation measures and compensation, but these documents are also lacking crucial details.
- 4.12 There is insufficient detail provided within the application to safely base conclusions of no significant effects on the ecological receptors identified within the zone of influence of the scheme.
- 4.13 The assessment of 'in combination' effects will be considered further in the Local Impact Report.

Outline Landscape Management Plan (OLEMP)

- 4.14 The OLEMP does not demonstrate how the scheme will deliver adequate biodiversity mitigation / compensation and deliver biodiversity net gain. It does not provide sufficient details about the creation, management or monitoring of the proposed habitats and key features, such that it can be ascertained that these measures will be adequate for their intended purpose.
- 4.15 Given the scale of the scheme and the sensitivity of some of the habitats and species, monitoring surveys for the first ten years only does not seem proportionate.
- 4.16 There is a lack of information submitted or clarification in certain key areas.
- 4.17 There is no commitment to discuss the results of monitoring surveys of habitats and species with relevant stakeholders.
- 4.18 There are no firm commitments to any process of habitat management. It is considered that it would be possible at this stage to give more detail on how habitats will be managed to retain and encourage biodiversity value. This is crucial, given the extent to which the impact assessment relies on the delivery of compensatory habitats to deal with adverse effects.
- 4.19 The restoration of habitats in the Grid Connection corridor will be considered as part of the Local Impact Report.

Biodiversity Net Gain

- 4.20 Habitat creation proposals are lacking in detail, including how they link to form a coherent nature network and their long-term management regimes.
- 4.21 It needs to be demonstrated that the net gain will be achieved through measures delivered in addition to mitigation and compensation for protected species.
- 4.22 Currently, it would appear that Biodiversity Net Gain (BNG) is being committed to only for the 40 year life span of the energy farm. However, given the presence of highly valuable ecological

receptors within the zone of influence of the scheme, and the landscape scale over which the scheme is operating and influencing habitat and species distribution, this should be reconsidered in at least some critical locations.

4.23 There are no plans showing the locations of the habitats that form the BNG assessment.

4.24 The Defra Metric spreadsheet has not been supplied.

Decommissioning

4.25 The end of the project and the extent to which the site will return to its original state, is very much a crucial part of the decision-making process, in terms of ecology. There is no clarity regarding the fate of the compensatory and BNG habitats, post decommissioning. Given the scheme covers such a large area, this needs to be fully considered as part of the determination of the application.

Draft Development Consent Order (DCO)

4.26 There is concern over the draft DCO wording and this will be further developed in the LIR.

5 Flood Risk, Drainage and Water Resources

5.1 Cambridgeshire County Council will provide comments in regards to this. ECDC may wish to comment on this further following the submission of LIR.

6 Landscape and Visual Amenity

Loss of Trees

6.1 The Council's Tree Officer has significant concern over the proposal. The primary concern is that the significant lack of information means that ECDC will not be able to provide professional tree advice as part of the LIR. It is strongly recommended that the Inspectorate looks to gain its own Tree Officer in order to mitigate the developer's failure to provide sufficient information.

6.2 The lack of information includes but not limited to:

- No proposed site plan with the tree locations plotted to show the relationship between the development and the retained trees (Root Protection Areas (RPA) and their proximity to the areas of construction) which should be included in a British Standard BS5837:2012 Trees in relation to design, demolition and construction – Recommendations (BS5837) report.
- Information submitted relies on estimates of tree diameters.
- No information indicating which trees or how many will be impacted/removed through this development so no assessment of the development impact on the existing vegetation can be assessed.
- There appears to be trees omitted from the landscape master plans relating to sites EC01 W01 and W03 and hedging omitted from EC01, EC02, E05, W01, W02, W06, W08, W10, W11 and W12.
- The landscape master plans have omitted to show some significant tree areas and hedges that would border the sties and could be impacted by the development and new planting such as those adjacent W03, W08, W15, EC04 and EC05.

6.3 There also appears to be conflict in information submitted:

- The Weirs Drove substation option 2 states that only parts of groups G9 and G10 will need to be removed yet the supplied plan indicates that all of group G10 which is recorded as category B will be removed.

6.4 In addition there is extreme concern that the draft DCO Explanatory Memorandum and Draft Development Consent Order state that the felling or lopping of trees and removal of hedgerows regardless of the presence of Tree Preservation Orders can be undertaken with no consultation or permissions or any professional Arboricultural recommendations/assessment/oversite or to any recognised professional standard (British Standard BS 3998:2010 Tree work – Recommendations or European Tree Pruning Standard 2021). There is also no obligation for any replacement planting regardless of the potential habitat implications. These documents also mention compensation but do not provide any information as to how this will be calculated while it would be expected to be done via the Capital Asset Value for Amenity Trees (CAVAT), which is an accepted means of converting a trees worth into a monetary figure.

Landscape

Scale and impact on character

6.5 The Council's Landscape Officer has provided significant concerns in regards to this proposal. Primarily that Sunnica has the potential to dominate and transform the local landscape, to alter it beyond recognition, and thus to create a new landscape altogether.

6.6 In addition, whether the intra- and inter-cumulative and sequential effects on landscape, historic landscape, users of the public highway/Public Rights of Way (PRoW) are fully explored and minimised.

Assessment and presentation of adverse effects

6.7 Elements of the scheme, such as road improvements, have not been included in the Landscape and Visual Assessment (LVIA) despite the potential adverse effect on the rural landscape.

6.8 Cumulative effects with other schemes (Chapter 10.11) do not appear to be fully integrated within the assessment of landscape and visual effects. It also appears that some significant Environmental Schemes are not considered including North Angle Solar Farm (CCC/20/051/FUL and CCC/21/237/VAR) and the Solar Farm to East of Breach Farm (21/00706/ESF).

6.9 Within the Environmental Statement it considers any effect more than five years (ES Chapter 4, para 5.6.2) to be long term. An assessment of landscape and visual effects at this point in time has not been provided despite being asked for previously by a planning officer within ECDC. Without this 5 year assessment, it is difficult to assess the effects of these mitigation measures over time. This is of particular relevance for viewpoints where adverse effects are within cultural heritage settings.

The accumulation of adverse impacts

6.10 It should be ensured that non-significant effects are fully addressed and minimised, as their accumulation can result in overall significance.

The duration of adverse effects

- 6.11 The lifespan of the development, the length of adverse impacts and benefits maintained after the development will need to be explored in the determination of this application.

The mitigation proposals

- 6.12 The aim of landscaping is to retain the legibility and character of the landscape, as well as minimising the visual impacts of the development, as suggested at paragraph 2.51.2 of the Draft National Policy Statement for Renewable Energy Infrastructure (EN3). It is expected that innovative solutions should be brought forward in order to make an acceptable landscape, as well as ensuring improvements to ecology and at least preserving heritage and public spaces.
- 6.13 The Landscape and Ecological Management Plan (LEMP) will form an important document. The projects Green Infrastructure, needs to have effective management in the short and long term, so needs to be included within the LEMP. Current inconsistencies within the Environmental Statement with regards to the retention of the gained Green Infrastructure create uncertainty. If the intention is for the Green Infrastructure to reflect the surrounding landscape character/context this should again form part of the LEMP.
- 6.14 Landscape proposals should be tailored to their location addressing the differences across the scheme.
- 6.15 There continues to be a lack of relevant details in the submitted application, this does not promote the full and clear understanding of the landscape and visual effects of the proposal. This may substantially limit the ability to provide precise comments within the LIR.

7 Noise and vibration

Construction Phase Noise

- 7.1 Relying on fixed limits for Lowest Observable Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect level (SOAEL) for all sensitive receptors for the duration and over the wide-ranging area of the development may underestimate the impacts. Therefore, recognition of the subjectivity of noise impacts may be required to clarify the impact as the project progresses, in addition to any noise monitoring data during the period of construction.
- 7.2 The Framework CEMP advises a noise construction mitigation and monitoring scheme to be developed and agreed prior to commencement of works, as part of the S61 consent application process under the Control of Pollution Act 1974 (COPA). LA's have 28 days in which to consider a S61 application. For a site of this size and geographical extent it is not considered an appropriate timescale for full consideration to be given to an application to enable agreement as to limitations, working methods, conditions etc. The management and monitoring of construction noise impacts and mitigation should be as part of a dynamic construction noise management plan which has been agreed through the planning process rather than submissions under the COPA.
- 7.3 Hours of work during construction phases are proposed to be between 0700 -1900 Mon-Sat. General construction hours on development sites are restricted in East Cambridgeshire to between 0730 and 1800 Mon-Fri, 0730 and 1300 Sat and at no time on Sundays or Bank Holidays. The Environmental Health Department does not support the proposal to conduct construction works outside of these recommended times.

Operational Phase Noise

- 7.4 Low frequency hum from any of the proposed fixed plant is an issue that needs to be considered, and technical evidence provided in any final report if predictions show negligible adverse impact. Plant types and specifications have not yet been confirmed. ECDC will want to ensure that it can be demonstrated that estimates of impacts have not been underestimated.
- 7.5 There is considered to be levels of uncertainty in the baseline background data or due to the issue of lower frequency noise impacts not being characterised within an LAeq measurement under BS4142, for continual review of assessments and predictions, and assurances provided that the final design and position of plant and equipment will have no adverse impact.
- 7.6 In regards to specifically Burwell Substation extension low frequency 'hums' from transformers on large substation sites can be an area of concern for people living close to such sites. It is often reported that low frequency sounds vary in their audibility possibly during certain weather conditions or the number of transformers operating at any one time or the loading on the transformers themselves. Reports from persons affected by low frequency sounds generally suggest it can have a significant detrimental effect on their wellbeing. The data is not considered to be sufficient at this time, to provide confidence that an expansion to the transformers on this site will not have a cumulative effect on low frequency noise levels in the vicinity of the Burwell site.

Construction Phase Vibration

- 7.7 Human response to vibration is very sensitive, even at low levels. Concerns are often raised about breaches of acceptable vibration standards and damage to property, so it is recommended that as part of the noise monitoring procedures to be adopted within the detailed CEMPs and any S 61 applications, that vibration monitors are also installed at key sites during specific periods, to enable reassurance to be provided to residents and the Council that guideline limits are being met.
- 7.8 (i) Piling is often the source of complaint. This may be due to the type of sound produced and the repetitive nature of the activity. The submission at this stage does not contain details that provide suitable reassurance that the activity of extensive and widespread piling will not cause a degree of adverse impact. It is recommended a section of the CEMP to contain a Piling Method Statement to be agreed with the Council before any such work takes place.
- (ii) All sites that require piling operations to be undertaken within East Cambs are subject to additional hours of work constraints, these being to between 0900-1700 hours Mon-Fri, with no piling outside of these hours or at weekends.

Decommissioning Phase

- 7.9 Comments made on noise and vibration impacts during construction phases will remain relevant to decommissioning of the site, and appropriate mitigation will be explored further within the Local Impact Report.

Draft Development Consent Order

- 7.10 In addition, it is likely the DCO will contain a requirement that "exempts" the developer from action under Section 79 of the Environmental Protection Act 1990 (Statutory Nuisance) as is usual in these cases. However, due to the nature, size and duration of this development it is likely to cause complaint and there is an expectation that there will be cooperation with ECDC in finding a resolution where complaints are received and found to have merit. An assurance, should be provided, within the relevant documents to this effect and that a robust complaint management procedure is developed to support it.

8 Socio-Economics and Land Use

Agricultural land and soils

- 8.1 ECDC, following discussion, note that Cambridgeshire County Council are providing a detailed response on this, which will form part of a planned joint LIR. ECDC will want to provide comment on loss of this amount of farmland, once it has had time to consider the detailed comments within the LIR.

Employment/Economic Growth

- 8.2 It should be noted that the employment/GVA figures are predicated on a 45 minute travel study (based on driving) that is initially tabulated in 12-1, and then importantly referenced in table 12-26. It is not possible to find or assess the radius of this 45 minute area and Sunnica's related source calculations (AECOM 2021) relating to employment assumptions and effects on the District.
- 8.3 Broadly, whilst it is welcomed additional employment within the District there is agreement with Sunnica's own assessment that this is construction led employment (over 24 months), and as such has a limited and moderately beneficial impact to the Districts economy. Once operational the site will provide low levels of employment opportunity.
- 8.4 In respect of the direct GVA impact on East Cambs economy, this will depend on the accuracy of assumptions and the source calculations. Using the 12-26 table figures it is questioned around how many jobs will actually be created in the district and how these could be recruited in this sector. SEF 7.7 makes reference to seven potential opportunities, one of which is employment, which has been identified that the Applicant could take forward. This is further explained in section 5. The area already has other employers taking similar steps to recruit/attract local skills and labour. With the construction sector being short of labour and the wider regional economy (sectors such as house building) creating high demand, Sunnica's recruitment plan will face challenges. The probable/possible outcome may reflect the need to increase recruitment outside the study area. A risk analysis of this should be provided to assess the potential to recruit from within the district and onward GVA predictions.
- 8.5 It is welcomed that the SEF 7.7, 'seven potential opportunities', references skills and training. However, it is questioned the ambition when applied to a short term construction project versus the longer term operational requirement. Long term adult education, upskilling and apprenticeships develop and link to sustainable career prospects in new technologies and sustainable sectors are strongly encouraged. A method of Sunnica monitoring this and reporting outcomes will be important.

Impact on horse racing industry

- 8.3 The scheme is located within close proximity to the town of Newmarket, within the district of West Suffolk and East Cambridgeshire. Newmarket and the surrounding area is recognised as the international home of horse racing and the industry plays a significant role in the area in terms of its economic importance, and social and cultural influence and the character of the built and natural environment.
- 8.4 The applicant appears to have failed to conduct a detailed assessment of the impact of the proposal at the construction, operation and decommissioning stages on the horse racing industry. Further details on this point will be considered in the LIR. However, it is expected that those in the horse racing industry will comment and that their comments will be given substantial weight by the decision maker.

Other Impacts

- 8.5 It is considered that the influx and outflow of significant numbers of construction workers and HGV traffic during the construction phase will have a potential substantial impact on the road networks around the district, particularly at peak travel times. This connected to existing business commuting time, local community travel and impacts on existing community stakeholders such as businesses and residents will need to be considered.
- 8.6 The Councils local work/live ethos is predicated on maintaining the district as a desirable place to live. East Cambs is highly rated for its 'quality of life'. The impact of this development should be considered in this respect and explained.
- 8.7 The district is also an area of natural beauty, tourism and other visitors that positively impact the local economy. The impact of this development may have some negative impact.

9 Transport and Access

- 9.1 Cambridgeshire County Council will provide comments in regards to this. ECDC may wish to comment on this further following the submission of LIR.

10 Air Quality

Air Quality, dust and light

- 10.1 It is considered that extensive and meaningful community engagement will be key in the successful management of concerns around air quality and dust emissions during construction and decommissioning phases.
- 10.2 The details contained within the Framework CEMP are considered acceptable by the Council's Environmental Health Officer with respect to the options for air quality assessments and dust monitoring and this will be used moving forward to the final CEMP, following discussion and agreement with ECDC. The Dust Management Plan talks about highly recommended and desirable measures. Agreements will be sought on the most appropriate measures considering sensitive human receptors and considering the location and construction activities taking place at specific times; the requirement being to consider dust mitigation controls and/or monitoring requirements as a dynamic process that will be under regular review throughout the construction period.
- 10.3 Lighting during construction phases will require adequate controls to minimise glare and spill whilst providing safe working environments and the Environmental Health Officer accepts the proposals and the controls that have been identified within this document, but again control requirements will need to be reviewed throughout the construction period.

11 Human Health

- 11.1 It is likely that the proposal will have some negative impacts on health, due to closure of rights of way for instance. ECDC will likely want to provide comments on this once it has had chance to see and review comments from Cambridgeshire County Council. However, the intra- and inter-cumulative, and sequential effects, on landscape character, cultural heritage assets (such as Chippenham Hall Park, Grade II listed) and on the perceptions and experiences of recreational and transport users of highways, Public Rights of Way, promoted and cycle routes will need to be fully explored and minimised.

11.2 In regards to the impact on Landscape, in its entirety the scheme is likely to adversely affect residents' quality of life, contrary to the Design Principles of the National Infrastructure Commission and the Missions in the Levelling Up White Paper 2022 (Executive summary p.7) regarding well-being and Pride of Place.

12 Other Environmental Topics

Glint and Glare

12.1 ECDC Environmental Health Team are unable to comment on the acceptability or otherwise of the proposals and so would recommend that all parties with an interest in this consequence of the proposal are consulted. This should include (but not be restricted to) the effects on aircraft, highways, railways, footpath users and recreational users of land and those premises identified as likely to be affected.

13 Battery Fire Safety

13.1 It is noted the local community has raised concerns regarding the safety, in the event of a fire, of the sizable and numerous Battery Energy Storage Systems (BESS).

13.2 Cambridgeshire Fire and Rescue Service have commented through ECDC and stated that:

- Water supplies for the use of firefighting purposes.
- Access to and around the sites for attending emergency vehicles.
- Operational emergency preparedness including the completion of detailed on site and off site emergency procedures.
- Environmental impact caused by any fire on site and the subsequent application of firefighting media.
- Design, testing, construction and decommission of the site.

will form a key part within the LIR and ECDC will reflect on the full comments of the Fire and Rescue Service when responding in its Written Representation.

13.3 ECDC Environmental Health have advised that they are unable to comment on the acceptability or otherwise of the proposals and so would recommend the document is referred to more appropriate agencies such as the Fire Authority, the Environment Agency, the HSE or the UK Health Security Agency (formally Public Health England).

13.4 This issue will need to be fully considered in the LIR and will be an issue that ECDC carefully consider in its Written Response.

14 Policy

Policy Framework

14.1 The applicant's planning statement (see 1.4.4 – 1.4.5 of [APP-261]) states that National Policy Statement EN-3¹ does not 'have effect' for the purposes of S104 of the Planning act 2008, and

¹ [1940-nps-renewable-energy-en3.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/91400/1940-nps-renewable-energy-en3.pdf)

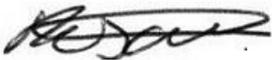
that therefore it is appropriate for the application to be decided under S105, unless at some point during the examination the draft EN-3² is designated this appears to be a reasonable approach.

- 14.2 The current and draft National Policy Statements are likely to be 'important and relevant' for the purposes of S105(2). As the draft EN-3 contains a technology-specific policy relating to large-scale solar development it is considered it is clearly more relevant in this case than the currently designated EN-3, notwithstanding that it is yet to be designated.
- 14.3 Given the possibility that draft EN-3 may be designated before either the conclusion of the examination, or the grant of consent, it would be helpful if the applicant addresses points raised by draft EN-3 but not covered in their planning statement such as:
- Providing the site capacity on the basis of the AC capacity of inverters as per 2.48.7 of draft EN-3. It is considered that the capacity of the project would be useful for the decision-maker in contextualising the benefits of the project and weighing them against adverse impacts.
 - Justifying the proposed lifetime of the consent with reference to 2.49.9 – 2.49.13. While this is not a determinative policy test, it is clearly relevant to the evaluation of landscape and other impacts against benefits.
 - Making clear, given the length of the consent over the typical 25 years envisioned by draft EN-3, whether there will be a substantial replacement of solar array equipment during the operational phase.
- 14.4 The developer has not referred to any of East Cambs SPDs in policy section³, apart from the Natural Environment SPD.

15 Other

- 15.1 The overall renewable energy, level of carbon neutrality, will be considered at the LIR. ECDC may wish to comment further after reviewing the LIR.
- 15.2 The proposal includes a significant element of battery storage. It is accepted that battery storage may form a part of the generating station for the purposes of the definition in Section 15 of the 2008 (as amended by the Infrastructure Planning (Electricity Storage Facilities) Order 2020). The Council continues to consider whether the whole extent of the battery storage which is proposed is warranted by the electricity which is proposed to be generated. In the event that the Council is not satisfied on this question, an issue will arise as to the extent to which battery storage falls within the scope of the NSIP regime.

Yours faithfully



Rebecca Saunt
Planning Manager

² [Draft National Policy Statement for Renewable Energy Infrastructure \(EN-3\)](https://www.publishing.service.gov.uk)
([publishing.service.gov.uk](https://www.publishing.service.gov.uk))

³ Planning Statement pg 52