

# Sunnica Energy Farm: Consultation Process

<b>Report No:</b>	<b>CAB/WS/20/019</b>	
<b>Report to and date:</b>	<b>Cabinet</b>	11 February 2020
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**Decisions Plan:** The decision made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.

**Wards impacted:** The scheme is primarily located in Manor Ward, but the scale of the scheme is such that surrounding wards may be impacted – including Icení, Mildenhall Kingsway & Market, Mildenhall Great Heath and Mildenhall Queensway.



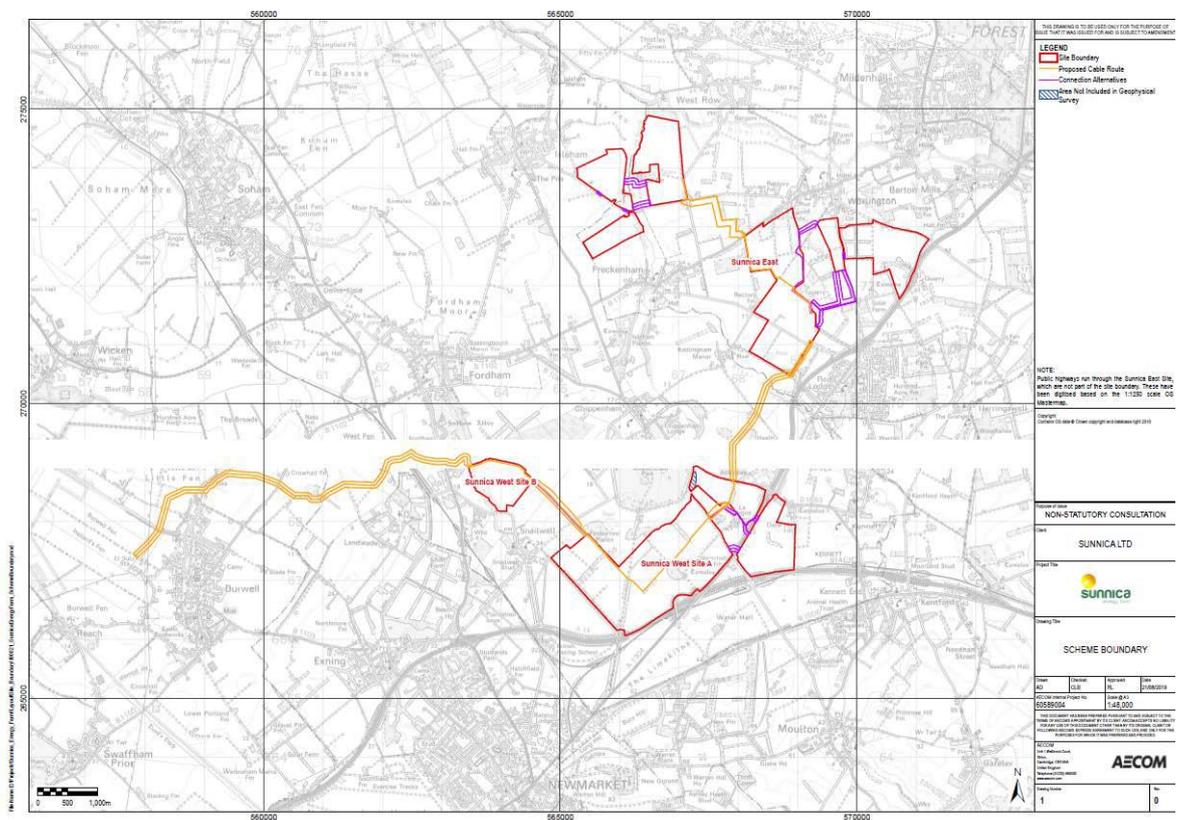
**Recommendation: It is recommended that:**

- 1. Decision making in respect of the formal stages of the development process for the Sunnica Energy Farm is in accordance with the table at 2.7 below; and**
- 2. The Council's Scheme of Delegation is amended to include delegated authority to officers to discharge the requirements attached to any Order granted, monitor the implementation of the Order, take any necessary enforcement action and determine any non-material and material amendment applications.**



# 1. Background

- 1.1 Sunnica Energy Farm is a scheme for the installation of solar photovoltaic (PV) generating panels and on-site energy storage facilities across two sites within Suffolk and Cambridgeshire. The proposal will include the infrastructure associated with the required connection to the national grid, including an extension to the Burwell National Grid Substation.
- 1.2 The two sites are known as Sunnica West and Sunnica East. Sunnica East is within the district of West Suffolk and Sunnica West is within East Cambridgeshire. The two sites will be connected by underground cable. The scheme would allow for the generation, storage and export of up to 500 megawatts of electrical generation capacity.
- 1.3 The plan below shows the approximate extent of the Sunnica East and Sunnica West sites together with options for the connecting cables and connection to Burwell Substation.



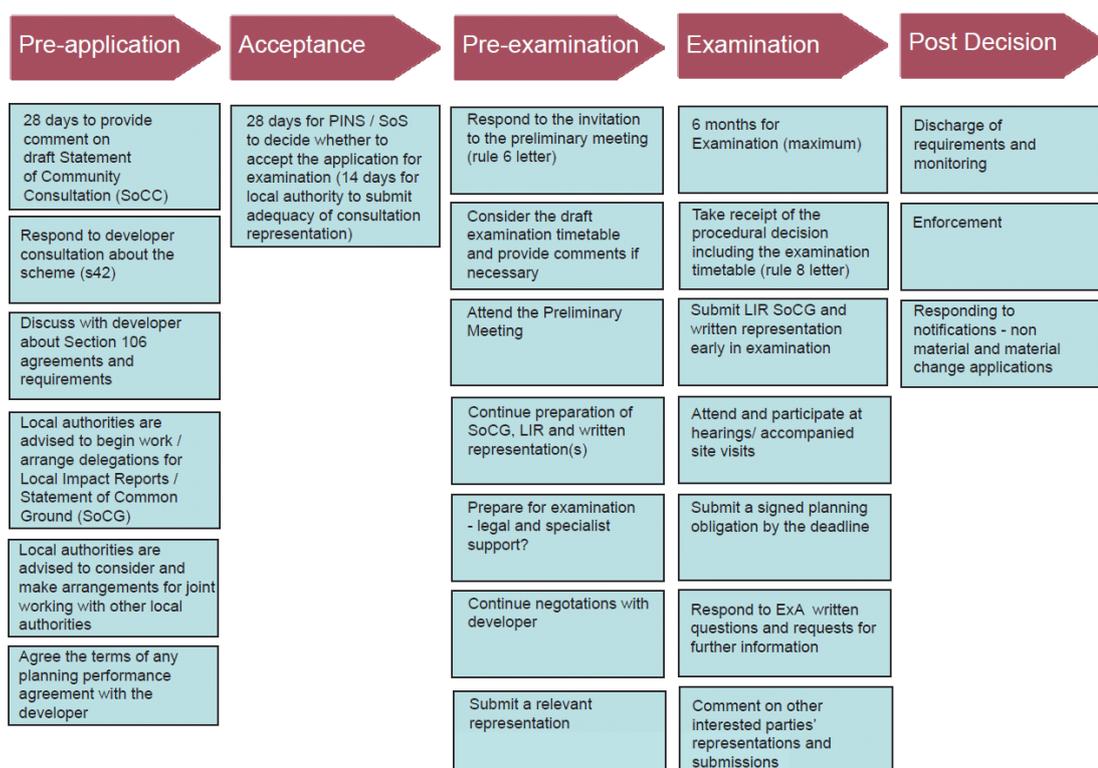
- 1.4 The scheme is defined as a Nationally Significant Infrastructure project (NSIP) as an onshore generating station in England, exceeding 50MW and an application for a Development Consent Order (DCO) must be made by the applicant to the Planning Inspectorate (PINS).
- 1.5 During the summer of 2019 Sunnica carried out a round of non-statutory consultation in which WSC as Local Planning Authority (LPA) set out our expectations on matters to be addressed in a future application. This informal response was agreed by the Portfolio Holder (Regulatory) having engaged with



local Councillors. Sunnica are currently collating the feedback they received with a view to it informing the next stage of the process.

- 1.6 Given local views on the proposal there is likely to be significant public interest in this development which would influence how decisions on our responses are made.
- 1.7 Officers are currently negotiating the terms of a planning performance agreement (PPA) with Sunnica in respect of technical advice being sought as part of the preparation of the Preliminary Environmental Impact Report and Environmental Statement. A series of technical workshops are being held over the coming weeks to inform matters such as landscape and visual impact, heritage and ecology.
- 1.8 All four authorities affected by the development (West Suffolk Council, East Cambridgeshire District Council, Suffolk County Council and Cambridgeshire County Council) will be party to the PPA and, where appropriate, responses to Sunnica will be co-ordinated with one formal response sent on behalf of the authorities.
- 1.9 The illustration below details the role of local authorities in the Development Consent Order application process.

## The role of local authorities



## 2. Proposals

- 2.1 As the proposed development enters the formal consultation phases, it is helpful to agree the decision making process for responses by WSC as LPA and as Local Authority (LA) (as required).



- 2.2 WSC are a formal consultee (along with East Cambridgeshire District Council, Suffolk and Cambridgeshire County Councils) and will need to decide how to respond to the consultations and various formal stages of the process. Our advice, which concurs with that of partner LA's is that these regulatory responses are executive decisions and therefore able to be agreed by Cabinet, Portfolio Holders or Officers.
- 2.3 The Constitution requires where it is likely to create controversy it should be made either by the Portfolio Holder or Cabinet.
- 2.4 Whilst there may be a desire to be flexible in how we respond, in order to meet formal timescales for our responses to the planning inspectorate, which may suggest a preference towards a Portfolio Holder level decision, we also need to bear in mind the high level of public interest.
- 2.5 With this in mind, it may be prudent to agree that the main substantive responses are agreed by Cabinet with the more technical issues dealt with by the Portfolio Holder for Regulatory and the Assistant Director (Planning and Regulatory).
- 2.6 Any decision making would need to be accompanied by local member(s) and Cabinet member briefings. It is also worth noting at this stage that the general public's main opportunities to have their say in the process run by PINs will be at the Statutory Consultation Stage and during the Examination in Public.
- 2.7 The following table sets out the expected decisions required and known timescales:

APPROX DATE	ACTION	DETAIL	DECISION LEVEL
February 2020	Respond to Sunnica's <b>Statement of Community Consultation (SoCC)</b>	The SoCC will set out how Sunnica intends to consult the community at the pre-application stage. We are already feeding into this informally. [see note below]	Assistant Director
May/June 2020	Respond to the <b>Statutory Consultation</b>	Sunnica are required to carry out a period of Statutory Consultation on the scheme. This is in addition to the non-statutory consultation that was carried out in 2019 where we set out the issues they should address.	Cabinet
Autumn 2020	Draft and comments on <b>Statement of</b>	The SoCG will clearly identify matters agreed	Portfolio Holder



	<b>Common Ground (SoCG)</b>	between the local authority and Sunnica, matters currently the subject of negotiation, and those matters which are not agreed.	
Winter 2020/21	Preparation and Submission of a <b>Local Impact Report (LIR)</b>	The LIR is a technical report giving details of the likely impact of the proposed development on the District. The LIR is used as the means by which the local authority can draw upon its local knowledge and evidence on local issues and report this to PINS.	Portfolio Holder
Winter 2020/21	Preparation and Submission of the Local Authority's <b>Written Representation (WR)</b>	A WR is the most appropriate document for a local authority (separate from the LPA) to set out its view on the application i.e. whether or not it supports the application and its reasons.	Cabinet

- 2.8 Officers will continue to deal with technical matters under the PPA. In addition, they will represent the Council at the Examination in Public, with PINS as the Examining Authority, through attendance at hearings and accompanied site visits as well as responding to written questions and requests for further information from PINS. Sunnica is expected to submit the application to PINS in Q4 2020.
- 2.9 Should a Development Consent Order be granted by PINS the Council will assume a similar role to that of the local planning authority in that it will be responsible for the discharge of any requirements attached to the Order (similar to planning conditions attached to a planning permission). In addition, the Council will become responsible for monitoring the implementation of the Order as well as enforcing any breaches of the Order, responding to notifications and determining non-material and material amendment applications.
- 2.10 It is proposed that the decision to issue the responses set out above in respect of the Statutory Consultation and Written Representation lies with Cabinet. It



is recommended to delegate the decision to issue the response on the Statement of Common Ground and the Local Impact Report to the Portfolio Holder for Regulatory in consultation with the Assistant Director (Planning and Regulatory).

- 2.11 In respect of the response required to the Statement of Community Consultation it is proposed that authority is delegated to the Assistant Director (Planning and Regulatory) given the technical nature of the document and the fact that Officers have already commented on a draft version of the document and it is expected that Sunnica will incorporate the changes requested into the document.
- 2.12 It is further recommended that the Council's Scheme of Delegation is amended to include delegated authority to officers to discharge the requirements attached to any Order granted, monitor the implementation of the Order, take any necessary enforcement action and determine any non-material and material changes applications.

### **3. Alternative Options**

- 3.1 Authority could be delegated to the Portfolio Holder for Regulatory in consultation with the Assistant Director (Planning and Regulatory) for all decision making (with the exception of the Statement of Community Consultation).

### **4. Consultation and engagement**

- 4.1 Regular updates have been provided to local Members, including engagement in the informal consultation response provided in the summer of 2019. This engagement will continue as we develop future formal responses.

### **5. Risks**

- 5.1 By setting out and agreeing this framework for formal responses we reduce the risk of challenge in our decision making.
- 5.2 It is critical that the Council responds to consultations as part of the planning process. If we fail to do so, this could lead to missed opportunities to input technical concerns, and concerns of local residents.
- 5.3 As above, it is proposed that decisions may be taken by the Portfolio Holder or Cabinet. However, if these decisions were subject to call-in, we may not be able to respond to the consultation in accordance with the timelines imposed.
- 5.4 With this in mind, it may be necessary during the process to consider the decisions made as "urgent", on the grounds that it is in the public interest that the Council responds prior to the consultation deadline. Any decisions treated as urgent will require the consent of the Chair of Overview and Scrutiny Committee and will be reported to the next meeting of Council. As above, it will remain crucial throughout the process to engage with local members to ensure members concerns can be incorporated from the outset into any decisions made.



## **6. Appendices**

- 6.1 Appendix A – Joint West Suffolk Council / Suffolk County Council response to the non-statutory consultation

## **7. Background documents**

- 7.1 Planning Inspectorate Guidance – The Role of Local Authorities in the Development Consent Process

*(This document can be viewed electronically, via the link to the agenda papers below:*

*[Agenda item 7 - Report No: CAB/WS/20/019](#) refers)*

