

Sunnica Energy Farm – Statutory Consultation

Report number:	CAB/WS/20/066	
Report to and date:	Cabinet	10 November 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 Icen, Mildenhall Kingsway & Market, Mildenhall Great Heath and Mildenhall Queensway

Recommendation: It is recommended that:

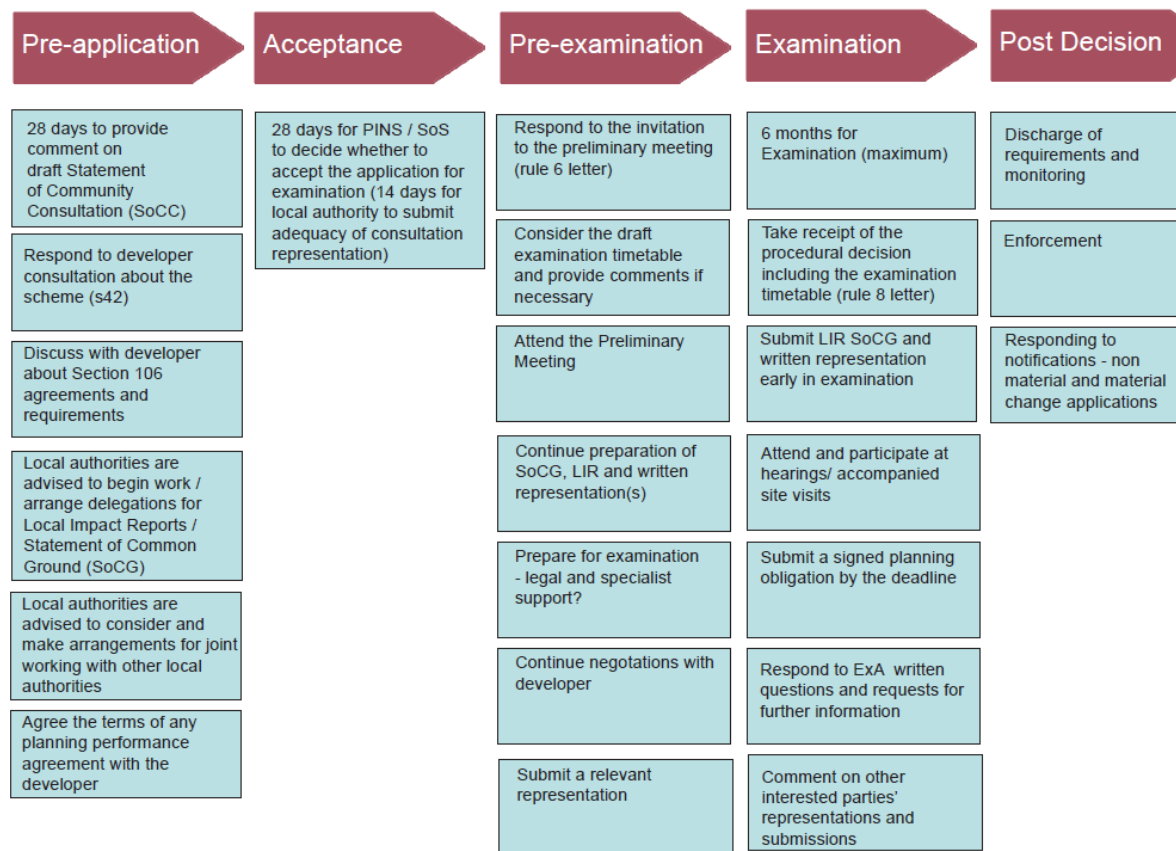
- 1. The Cabinet endorses the draft Statutory Consultation response to Sunnica’s Preliminary Environmental Information Report, being a joint response between West Suffolk Council, Suffolk County Council, East Cambridgeshire District Council and Cambridgeshire County Council under s42 of the Planning Act 2008.**
- 2. The Assistant Director (Planning and Regulatory Services) in consultation with**

the Cabinet Member for Regulatory, be authorised to make amendments to the draft consultation response, prior to its submission to Sunnica Ltd.

1. Context to this report

- 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 On 11 February 2020 Cabinet considered a report presented in respect of the Sunnica Energy Farm and the Council's involvement in the Nationally Significant Infrastructure Project (NSIP) process. Specifically, the report addressed the decision-making process and member and officer involvement at each stage.
- 1.3 Since February 2020 Sunnica has been continuing to collate the environmental information needed to progress the project and further technical workshops have been held with the affected local authorities. In light of the Covid-19 pandemic Sunnica chose to delay the statutory consultation that had been due to take place in May/June 2020.
- 1.4 In order to ensure a robust and inclusive statutory consultation, Sunnica requested that officers from each local authority form a working party to help inform the way the statutory consultation is carried out during the pandemic. The working party met twice ahead of the submission of the draft Statement of Community Consultation. Given the delay in the timetable for the project Sunnica has also sought to engage with the Members responsible for the most affected wards and representatives of the parish councils. A number of briefing sessions were held with district and county councillors as well as the parish council representatives.
- 1.5 As a reminder, the illustration below details the role of local authorities in the Development Consent Order application process. We are still at the pre-application stage.

The role of local authorities



- 1.6 Sunnica's Statutory Consultation began on 22 September 2020 and runs until 2 December 2020.
- 1.7 During the statutory consultation Sunnica is seeking views on the proposed solar farm, including the short- and long-term construction, environmental, operational impacts as well as impacts from decommissioning. Specifically, the statutory consultation is to provide feedback on the Preliminary Environmental Information Report (PEIR) that has been presented at this stage. The PEIR will incorporate the results of the environmental surveys that have been carried out and will set out Sunnica's preliminary conclusions on any potential significant effects of the proposal on the environment.
- 1.8 The PEIR is largely technical in nature, addressing the key planning issues and likely environmental effects of the proposal to the extent that they are known at this time. At this stage the local authority is encouraged by the government to engage proactively with a developer even if it disagrees with the proposal in principle. The local authority will contribute towards the development of the emerging proposals with the benefit of its detailed local knowledge.
- 1.9 Sunnica is required to have regard to the responses submitted during the statutory consultation period and following the close of the consultation period Sunnica intends to continue to prepare its application for a Development Consent Order. Sunnica anticipates submitting its application in Spring 2021.

The application is made to the Planning Inspectorate (PINS) on behalf of the Secretary of State for Business, Energy & Industrial Strategy. PINS have 28 days from the date of submission to decide whether the application meets the required standards to proceed to examination. This assessment includes whether the statutory consultation was adequate. If accepted, the application will proceed to an examination, likely to be held in Summer 2021.

- 1.10 West Suffolk Council will be represented at the examination, with PINS as the Examining Authority. At this stage the Council will prepare and submit a Local Impact Report (a technical report giving details of the likely impact of the proposed development on the area) and a Written Representation (where the Council will set out its view on the application, i.e. whether or not it supports the application and its reasons). The final decision as to whether a Development Consent Order is made is taken by the Secretary of State following the preparation of the Examining Authority's report.

2. Proposals within this report

- 2.1 Sunnica's Statutory Consultation is being carried out in accordance with s42 of the Planning Act 2008 and commenced on 22 September 2020. Following publication of its Statement of Community Consultation Sunnica has published information relating to its assessment of the likely environmental effects of its proposal in the form of the PEIR.
- 2.2 Regulation 12 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 states that the purpose of the PEIR is to provide sufficient information to enable stakeholders to develop an informed view of the likely significant effects of the development (and of any associated development). Advice Note 7 from the Planning Inspectorate (<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2017/12/Advice-note-7.pdf>) explains that the PEIR does not need to constitute a complete assessment and is a compilation of the environmental information available at the point in time the PEIR has been produced.
- 2.3 Officers are undertaking a detailed review of the PEIR and working collaboratively with officers at Suffolk County Council, East Cambridgeshire District Council and Cambridgeshire County Council in order to produce one cross-boundary response to the Statutory Consultation.
- 2.4 The attached draft response to the Statutory Consultation details progress made to date. It outlines the technical responses to the information contained within the PEIR together with more general commentary on the information supplied and it highlights where officers require further assessment work to be carried out ahead of the preparation of the full Environmental Statement by Sunnica, for submission with their Development Consent Order application.

- 2.5 The draft response will continue to be finessed as further reviews of the PEIR are undertaken by technical officers and further dialogue takes place between the four affected authorities.

3. Alternative options that have been considered

- 3.1 An alternative option is to vary the draft response following feedback from Cabinet on the draft response

4. Consultation and engagement undertaken

- 4.1 Regular updates have been provided to local Members and their views sought on the content of the Council's response to the Statutory Consultation. This engagement will continue as the formal response is developed.

5. Risks associated with the proposals

- 5.1 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.

6. Implications arising from the proposals

- 6.1 An NSIP project of this size has potential to benefit the economy and labour market of West Suffolk through the direct investment involved in building and operating the scheme that will link to supply chains (indirect impacts) and through increases to incomes. The draft consultation response highlights where further information is required in this regard.
- 6.2 West Suffolk Council is using officer resources to respond to these proposals. A Planning Performance Agreement (PPA) is in place with the promoter for the council to recover its resource costs in relation to officer time spent. This agreement will continue until the application for development consent is submitted to PINS. A new negotiation will take place at that point to determine the extent of financial support to be provided by the promoter.
- 6.3 An Equality Impact Assessment (EqIA) was not undertaken as we are responding to the planning proposals of Sunnica Ltd. As such, it is Sunnica Ltd. that is required to satisfy the EqIA requirements when they submit their application to the Secretary of State. This assessment must account for people with protected characteristics and, in particular, must consider whether impacts of the scheme such as glint & glare or noise might affect people with physical or mental health conditions. The Councils will reconsider at later stages in this process whether an EqIA will be required.

- 6.2 Legally, Sunnica Ltd. has a statutory obligation under the Planning Act 2008 to carry out pre-application consultation prior to its application for development consent. The Secretary of State cannot accept an application for the Sunnica project unless it is satisfied that Sunnica Ltd. has met all the requirements for consultation. West Suffolk Council, along with the other host local authorities, will provide an Adequacy of Consultation (AoC) report at the point of submission to comment on whether these requirements have been met. The Secretary of State must have regard to this report in determining whether an application should be accepted for examination

7. Appendices referenced in this report

- 7.1 Appendix A – Draft Response to Statutory Consultation

8. Background documents associated with this report

- 8.1 None