

Minutes of a meeting of the **Cabinet** held on **Tuesday 15 March 2022** at **6.00pm** in the **Academic Hall, Mildenhall Hub**, Sheldrick Way, Mildenhall, IP28 7JX

Present **Councillors**

Chair John Griffiths (Leader of the Council)

Vice Chair Sara Mildmay-White (Deputy Leader of the Council)

Sarah Broughton
Carol Bull
Robert Everitt

Susan Glossop
David Roach
Peter Stevens

In attendance

Brian Harvey

Ward Member for Manor (speaking under Item 4. in relation to Item 6.)

Rachel Hood

Ward Member for Newmarket East (speaking under Item 4. in relation to Items 6. and 7.)

Andy Neal

Ward Member for Mildenhall Queensway (speaking under Item 4.)

Ian Shipp

Ward Member for Mildenhall Kingsway and Market (speaking under Item 4. in relation to Item 6.)

Lance Stanbury

Ward Member for The Rows (speaking under Item 4. in relation to Item 6.)

333. **Welcome and introduction**

The Chair opened the meeting and welcomed all persons present to the first West Suffolk Council Cabinet meeting at the Mildenhall Hub.

The Chair also explained that this meeting was being webcast live and would be available to view subsequently on the Council's website. The Chair also explained the rationale behind the continuing precautionary health and safety measures that remained in operation for this meeting, which aimed to reduce and restrict the transmission of the COVID-19 virus.

334. Apologies for absence

Apologies for absence were received from Councillors Andy Drummond and Jo Rayner

335. Minutes

The minutes of the meeting held on 8 February 2022 were confirmed as a correct record and signed by the Chair.

336. Declarations of interest

Members' declarations of interest are recorded under the item to which the declaration relates.

337. Open forum

The following non-Cabinet members spoke under this item:

1. Councillor Andy Neal (Customer access at the Mildenhall Hub)

Councillor Andy Neal (Ward Member for Mildenhall Queensway) addressed the Cabinet with regards to the public being able to access West Suffolk Council services at the Mildenhall Hub.

Councillor Neal stated that the Mildenhall Hub was a flagship facility and commended its success. However, he wished to raise his residents' concerns regarding the absence of face-to-face representation from West Suffolk Council Officers at the facility. Prior to the construction of the Hub, 'face-to-face' services were available at both the Council Offices located at College Heath Road and at the Mildenhall Bus Station. If possible, he asked if it would be possible for a 'Help-desk' facility to be provided at the Hub (possibly for two days a week), where West Suffolk Council Officers could help residents with their queries.

Therefore, Councillor Neal asked the Cabinet to give future consideration of a 'Help-desk' facility being made available at the Mildenhall Hub.

The Chair thanked Councillor Neal for attending Cabinet and then asked Councillor Robert Everitt (Portfolio Holder for Families and Communities) to respond directly.

In response, Councillor Robert Everitt firstly wished to commend the Mildenhall Hub as an excellent public facility. He thanked Councillor Neal for attending this Cabinet meeting and raising these concerns. Councillor Everitt reassured Councillor Neal and the local residents that support and advice was provided from Mildenhall Hub. Public access to West Suffolk Council services was provided by telephone and computers on site or through a pre-booked appointment. A Hub Host service was provided on-site covering all co-located partner services. If

members of the public wanted to discuss matters with Council staff and would prefer to do so face-to-face, then that absolutely could be arranged and at a time convenient to the customer. There were staff working across West Suffolk from various locations, so it was always best to arrange appointments rather than arriving at the Hub and finding that staff were on-site elsewhere. The vast majority of people preferred to contact the Council on-line or via the telephone, but appointments could be arranged for those that needed one.

In addition, Councillor Everitt also referred to the consultation which had been undertaken with regards to the future provision of the Council's Customer Service Access Points (and which had been previously approved by Cabinet). Councillor Everitt considered that because of the arrangements in place, there was not a specific need for Officers to be available on a general 'meet and greet' basis and that the process for making appointments to speak with Officers was more efficient and effective.

Councillor Andy Neal thanked Councillor Everitt for his response and would reassure his residents that the operation of the appointment process allowed the public to continue to be able to meet with West Suffolk Council staff 'face-to-face'.

2. **Councillor Brian Harvey (Agenda Item 6 (Report number CAB/WS/22/012): Sunnica Energy Farm Nationally Significant Infrastructure Project: Draft Relevant Representation)**

Councillor Brian Harvey declared a local non pecuniary interest being the Ward Member for Manor (which included the parishes of Worlington and Freckenham who would be directly affected by this proposal) and also being a resident of Worlington.

Councillor Harvey addressed the Cabinet and explained that, if constructed, this scheme would become the largest solar panel, battery storage and regeneration farm within the UK, of some 500MW capacity and encompassing some 3,700 acres of farmland, straddling both East Cambridgeshire and West Suffolk. Therefore, the sheer size of this proposal would effectively change the local rural community / landscape forever.

Recent public opinion surveys which had been taken across all parishes within the affected areas, showed that 90% of residents opposed the current Sunnica scheme. However, the survey also revealed that local residents were not opposed to the solar energy agenda and fully supported the need for climate changes. If approved, this project would have a consequential impact, not only upon local residents, but also upon local businesses, such as the local anaerobic digestion plant, with its gas production connecting directly to the National Grid.

Despite various requests from the local MPs, Sunnica had failed to engage with local residents, since the launch in 2019. By invitation, last week, Sunnica had attended a public meeting at Red Lodge, with over 100 local residents present, together with the local TV news

channels. After the presentation by Sunnica, residents had the opportunity to raise their concerns over their proposals. In particular, issues relating to the capacity and siting of the battery storage containers, shown to be located and installed on a 45 acre site, adjacent to Elms Road, directly opposite the new Red Lodge housing development and primary school. Unfortunately, when challenged on these issues, Sunnica were unable to provide any clear answers or details as to the size and type of batteries to be installed.

Councillor Harvey also explained that during the COVID-19 lock-down period there had been several local resident 'virtual' meetings, in addition to meetings with the Parish Council Alliance and the 'No to Sunnica' Action Group. In addition, regular briefings had also been held with West Suffolk Council's Portfolio Holder and Planning Officers, with the Suffolk Fire and Rescue Service and Suffolk Highways.

With such a major project, being approved by the Secretary of State without detailed proposals and designs contained within the final submission, then the subsequent reviews and the final approval could fall back to the four local authorities as the project proceeded, which could be an inherent cost to all of these Councils.

Councillor Harvey concluded by stating that Suffolk County Council had submitted its Relevant Representation, which he fully supported. Therefore, he also strongly recommended that the West Suffolk Council Relevant Representation, as presented within the agenda papers, also be fully supported by the Cabinet.

The Chair thanked Councillor Harvey for attending Cabinet and noted his concerns. The item would be considered in detail later in the meeting under Agenda Item 6.

3. **Councillor Lance Stanbury (Agenda Item 6 (Report number CAB/WS/22/012): Sunnica Energy Farm Nationally Significant Infrastructure Project: Draft Relevant Representation)**

Councillor Lance Stanbury declared a local non pecuniary interest being the District Council Ward Member for The Rows and the Suffolk County Councillor for the Mildenhall Division (which included the parishes of Worlington and Freckenham who would be directly affected by this proposal).

Councillor Stanbury addressed the Cabinet with regards to this item and firstly acknowledged that it was a difficult time to speak out against a proposal for solar energy, given not least, the fact that the country wanted to achieve net zero, but also with the current situation in Europe and the effect on energy prices. However, this should not mean that schemes should be accepted 'at any cost'.

Councillor Stanbury wished to make it abundantly clear that this scheme was a speculative investment opportunity for Sunnica, who were an investment company. Sunnica were looking for sites all over the country and had found a potential opportunity within this local area

to submit an application of this kind. As this was an investment company, then assumptions could be made that at least half of the income generated would go abroad and there would be no local benefit whatsoever. All of the money spent and all of the work over the years and yet Sunnica had indicated that there would only be 17 full time jobs actually created from this project. Not only would it hugely disrupt local people, it would also affect the countryside habitats within the area as well.

Councillor Stanbury explained that Sunnica were intending to generate energy during the daytime and take in the cheaper energy at night and then sell for a higher price during the daytime. In order to be able to achieve this, Sunnica were proposing the untested battery storage system, which had also been acknowledged by Sunnica themselves. As a consequence, these could be a potential fire risk for the local community.

In conclusion, Councillor Stanbury stated that the Suffolk County Council Cabinet, at their recent meeting, had objected to this particular scheme, within their Relevant Representation and urged the West Suffolk Council Cabinet to do exactly the same.

The Chair thanked Councillor Stanbury for attending Cabinet and noted his concerns. The item would be considered in detail later in the meeting under Agenda Item 6.

4. **Councillor Rachel Hood (Agenda Item 6 (Report number CAB/WS/22/012): Sunnica Energy Farm Nationally Significant Infrastructure Project: Draft Relevant Representation)**

Councillor Rachel Hood declared a local non pecuniary interest being a Newmarket Town Councillor, the District Council Ward Member for Newmarket East, Suffolk County Councillor for the Exning and Newmarket Division, Suffolk County Council Cabinet Member and a resident of Newmarket.

Councillor Hood endorsed the previous comments made by Councillors Harvey and Stanbury and also commended the proposed West Suffolk Council Relevant Representation, as set out within the agenda papers. She stated that the provision of green energy was supported, but this scheme could not be.

Both Exning Parish Council and Newmarket Town Council were unanimous in their opposition to this scheme. The size of the scheme was monstrous with 2,800 acres of good farmland being potentially lost. This scheme was actually a battery storage system masquerading as a solar farm.

The proposed scheme would damage heritage assets, in particular, the famous Limekilns Gallops in Newmarket. The appearance of how the solar panels had been misrepresented by Sunnica and they would be a hideous blight on the landscape, ruining heritage assets that had been admired for hundreds of years. It would damage the horse racing and

tourism industry and would cause a detrimental increase in traffic, particularly within Newmarket, with large lorries having to come through the town.

The proposed battery storage scheme was a danger to local residents who were genuinely frightened, particularly those living within Red Lodge. There were no reports on the fires that these batteries could cause and which were exceedingly difficult to extinguish. The loss of farmland would reduce the ability for local food production, which had also not been taken into account by Sunnica, with regards to the calculations on the carbon footprint of the scheme.

Councillor Hood concluded that this scheme was, overall, very disappointing and could not be considered as a green environmental project and would be a blight on the special countryside within West Suffolk.

The Chair thanked Councillor Hood for attending Cabinet and noted her concerns. The item would be considered in detail later in the meeting under Agenda Item 6.

5. **Councillor Ian Shipp (Agenda Item 6 (Report number CAB/WS/22/012): Sunnica Energy Farm Nationally Significant Infrastructure Project: Draft Relevant Representation)**

Councillor Ian Shipp declared a local non pecuniary interest being the District Council Ward Member for Mildenhall Kingsway and Market, a Mildenhall Town Councillor and a resident of Mildenhall.

Councillor Shipp explained that he was not opposed to projects of solar power and would support these schemes where they were in the right place, the right size and were locally supported. Councillor Shipp expressed his grave concerns regarding this scheme, for all of the reasons which had been already stated. The massive scale of the scheme would blight the lives of local communities for years to come. The battery storage would threaten the safety of many thousands of local people and Sunnica had taken, little or no regard, to the concerns of the local community.

Councillor Shipp explained that he was not attending this meeting in his capacity as Deputy Mayor of Mildenhall Town Council, but stated that the Town Council had also expressed its concerns towards the scheme and had also offered financial support to help fight the scheme, as its Members could see the real issues that it would bring locally.

Councillor Shipp suggested that new legislation should be introduced which may protect local farmland against schemes, such as these. New legislation could insist that all new developments, both residential and commercial, should incorporate solar panels. This proposal should be stopped and a new, more sustainable project should be brought forward, which not only delivered the energy needs, but also engaged with and brought on board local communities.

In conclusion, Councillor Shipp also expressed his support for the West Suffolk Council's Relevant Representation, as set out within the Cabinet agenda papers.

The Chair thanked Councillor Shipp for attending Cabinet and noted his concerns. The item would be considered in detail later in the meeting under Agenda Item 6.

6. **Councillor Rachel Hood (Agenda Item 7 (Report number CAB/WS/22/013): Former St Felix School Site, Newmarket – Development Brief)**

Councillor Rachel Hood declared a local non pecuniary interest being a Newmarket Town Councillor, the District Council Ward Member for Newmarket East, Suffolk County Councillor for the Exning and Newmarket Division, Suffolk County Council Cabinet Member and a resident of Newmarket.

Councillor Hood explained that Newmarket Town Council was opposed to this application (although not unanimously so). There was an existing allocation within the Site Allocations Local Plan (SALP) for 50 dwellings on this site. Suffolk County Council had confirmed that the part of the site which was not developed, would be allocated to Newmarket to join up with the George Lambton Playing Fields, as some of the site had been allocated as playing fields.

Councillor Hood stated that both herself and Councillor Drummond had been in consultation with Suffolk County Council about what would happen and are both in the position, as Newmarket Town Councillors, who would have liked this site to be allocated as open space/sports facilities for Newmarket. However, they were both aware that this could not be achieved due to the existing allocations on the site, but still wished to make the Cabinet aware of the views of Newmarket Town Council.

In conclusion, Councillor Hood stated that she supported the Development Brief proceeding to a six week period of public consultation to gain the views of local residents.

The Chair thanked Councillor Hood for attending Cabinet and noted her concerns. The item would be considered in detail later in the meeting under Agenda Item 7.

338. **Public participation**

There were no members of the public in attendance on this occasion.

339. **Sunnica Energy Farm Nationally Significant Infrastructure Project: Draft Relevant Representation (Report number CAB/WS/22/012)**

The Cabinet considered this report which set out the Relevant Representation of West Suffolk Council, under Section 56 of the Planning Act 2008, in respect of the Sunnica Energy Farm application.

Councillor David Roach, Portfolio Holder for Planning, drew relevant issues to the attention of the Cabinet and explained that the Sunnica Energy Farm was a scheme for the installation of solar photovoltaic (PV) generating panels and on-site battery energy storage systems (BESS) across two sites within Suffolk and Cambridgeshire. The proposal would include the infrastructure associated with the required connection to the national grid, including an extension to the Burwell National Grid Substation. The scheme was defined as a National Significant Infrastructure Project (NSIP) under the Planning Act 2008, as it was an onshore generating station in England exceeding 50 megawatts (MW). Consent for a NSIP takes the form of a development Consent Order (DCO) and the application would be determined by the Secretary of State for Business, Energy and Industrial Strategy. The Council was a statutory consultee in the consenting process.

The application was now in the pre-examination phase. As required by s56 of the Planning Act 2008, Sunnica had notified the Council, as a person identified as falling within the categories of persons that must be notified that the application had been accepted for examination. The s56 Notice set out the period in which relevant representations were invited to be made to the Planning Inspectorate. This period ran from 3 February 2022 to 17 March 2022. The four affected Councils (West Suffolk Council, East Cambridgeshire District Council, Suffolk County Council, Cambridgeshire County Council) would submit a relevant representation on an individual basis to ensure that the Examining Authority was fully informed of the matters of concern to the Council and its communities and interests that the Council represented.

Appendix A to Report Number CAB/WS/22/012 set out the concerns of this Council which were stating that the Council could not support the proposal as it stood and considered that development consent should not be granted for the proposal, as submitted.

Key concerns remained in a number of areas in relation to the likely environmental impacts, the quality of assessment of these impacts and the lack of mitigation in a number of topic areas. Suffolk County Council had also stated within its Relevant Representation, that the submitted material in relation to transport and access was not acceptable and that there were deficiencies in the highway-related provisions in the draft DCO.

A project of the scale and nature proposed would radically change the sense of place, the place attachment of the residents and the recreational amenities of the affected villages and communities, over a long period of time. It was considered that the applicant's submission did not recognise this and the need to mitigate/compensate for these impacts.

The draft Relevant Representation also raised concerns in relation to cultural heritage and the assessment of non-designated heritage impacts, the acceptability of the applicant's noise assessments and assessment of impacts on soil and land use. In addition, attention was drawn to the need to thoroughly examine the suitability and safety of the Battery Energy Storage Systems and the need to fully assess the impact of the proposal on the horse racing industry.

Following the submission of the Relevant Representation, the Council would have further opportunities to present its views on the proposals to the Examining Authority, as part of the examination process. This would involve the submission of the Local Impact Report (LIR) and the Council's Written Representation (WR), along with attendance and participation at hearings and accompanied site visits; responding to the Examining Authority's questions and requests for further information; commenting on other interested parties' representations; submission of Statements of Common Ground (SoCG) and submission, as appropriate, of signed planning obligations.

Therefore, to facilitate this process, it was also being recommended that the Cabinet granted the Director (Planning and Growth), in consultation with the Portfolio Holder for Planning, the delegated authority to fully engage with the pre-examination and examination stages of the DCO process in relation to the Sunnica proposals, in order to pursue the concerns identified in the Relevant Representation.

Councillor Peter Stevens thanked the local Ward Members for attending the meeting to address the Cabinet on this proposed scheme. Councillor Stevens acknowledged that a balance needed to be struck between the provision of renewable energy, along with its impact on the use of agricultural land and provision of food security. Therefore, Councillor Stevens also wished to propose the following further recommendation as an amendment:

"We, as a Council, make a submission to the Secretary of State expressing our disappointment of the quality of the application and to re-affirm our opposition to this application."

The Cabinet then discussed the amendment, as proposed by Councillor Peter Stevens and were satisfied, that the points raised had been sufficiently addressed within the recommendations and the Relevant Representation. With there being no seconder for this amendment and with Councillor Peter Stevens now being reassured of the fact, he then withdrew his amendment.

Having considered the report presented, along with the representations made by the local Members present, the Cabinet considered that they could not support the scheme as it stood and considered that development consent should not be granted, as submitted.

Councillor David Roach also wished to recognise all the work which had been undertaken with the local Ward Members, residents and Officers in the formulation of this Relevant Representation.

Resolved:

That:

1. The draft Relevant Representation, attached as Appendix A to Report number: CAB/WS/22/012, be endorsed and submitted to the Planning Inspectorate under s56 of the Planning Act 2008.
2. The Director (Planning and Growth), in consultation with the Portfolio Holder for Planning, be authorised to make

amendments to the draft Relevant Representation, prior to its submission to the Planning Inspectorate.

3. Delegated authority be granted to the Director (Planning and Growth), in consultation with the Portfolio Holder for Planning, to fully engage with the Pre-examination and Examination stages of the Development Consent Order process in relation to the Sunnica proposals, in order to pursue the concerns identified in the Relevant Representation.

(Due to ensuring the representation was submitted by the required deadline of 17 March 2022, with the agreement of the Chair of the Overview and Scrutiny (O&S) Committee, the call-in procedure for this item had been suspended. The Chair of the O&S Committee was satisfied that the decision proposed was reasonable in all the circumstances and to it being treated as a matter of urgency).

340. Former St Felix School Site, Newmarket - Development Brief (Report number CAB/WS/22/013)

The Cabinet considered this report which set out the draft Development Brief for the former St Felix School site in Newmarket.

Councillor David Roach, Portfolio Holder for Planning, drew relevant issues to the attention of the Cabinet and explained that the site was allocated within the Site Allocations Local Plan (SALP) under Policy SA6(d) which was adopted in September 2019. This site was known in the SALP as the 'Former St Felix Middle School Site'. The site extended to 4.5 hectares and comprised the footprint of the former school, outbuildings, sports pitches, courts and playing fields. The site was allocated in its entirety, although the suggested capacity (50 dwellings) reflected the retention of the open space and existing tennis courts.

Suffolk County Council, as landowners of the site, had prepared a draft Development Brief (as set out in Appendices A to C of Report number CAB/WS/22/013) that sought to provide planning and design guidance for the development of the former middle school.

The Development Brief provided a design framework aligned with the adopted Local Plan and would guide the preparation and determination of future planning applications for this site. However, this document was not designed to be prescriptive. It was intended to guide the effective delivery of SALP Policy SA6d. The Cabinet also noted that an element of the draft Development Brief relocated within the existing tennis courts within the site and this was considered to be contrary to the requirements of the policy allocation. Provided that the relocated tennis courts resulted in an improved facility, then Officers agreed that there was merit in this approach.

Once approved and adopted as informal Planning Guidance, the Development Brief would constitute a material consideration in the determination of future planning applications and should also be read in conjunction with the policies of the adopted West Suffolk Local Plan. Therefore, the Cabinet was being

asked to recommend that the draft Development Brief now proceeded to a six-week period of public consultation.

Councillor Sarah Broughton endorsed the Development Brief proceeding to a period of public consultation by Suffolk County Council. In addition, Councillor Broughton hoped that this Development Brief would provide Suffolk County Council with the opportunity to reinstate a sports hall for Newmarket, to replace the one which had been previously demolished on the Scaltback School site.

Resolved:

That:

1. The landowner to begin a six-week formal public consultation process on the draft St Felix Development Brief.
2. The possible future options for a sports facility (as set out in Part 2 of the Development Brief) be noted.

341. Revenues Collection Performance and Write Offs (Report number CAB/WS/22/014)

The Cabinet considered this report, which provided the collection data in respect of Council Tax and National Non-Domestic Rates (NNDR) and sought approval for the write-off of the amounts contained in the exempt Appendices attached to the report.

Councillor Sarah Broughton, Portfolio Holder for Resources and Property, drew relevant issues to the attention of the Cabinet, including the current performance of both Council Tax and Business Rates collection, as set out in Section 2 of the report.

Members noted that reliefs introduced by central Government in response to the COVID-19 pandemic (many of which provided 100 percent relief for 2020/2021) had been extended to the end of June 2020, at which point the remainder of the year would be discounted by 66 percent. Eligible accounts were rebilled in July 2021 for the increased amount which adjusted the net collectable debt to £61.4m on 1 July 2021.

Resolved:

That the write-off of the amounts detailed in the Exempt Appendices to Report number CAB/WS/22/014, be approved, as follows:

1. Exempt Appendix 1: Council Tax totalling £21,160.82.
2. Exempt Appendix 2: Housing Benefit Overpayment totalling £15,028.93.

342. Decisions Plan: 1 March 2022 to 31 May 2022 (Report number CAB/WS/22/015)

The Cabinet considered this report which was the Cabinet Decisions Plan covering the period 1 March 2022 to 31 May 2022.

Members took the opportunity to review the intended forthcoming decisions of the Cabinet; however, no further information or amendments were requested on this occasion.

343. **Exclusion of press and public**

See minute 344. below.

344. **Exempt Appendices: Revenues Collection Performance and Write Offs (paragraphs 1 and 2) (Exempt Appendices 1 and 2 to Report number CAB/WS/22/014)**

The Cabinet considered the exempt appendices to this report. However, no reference was made to specific detail and, therefore, this item was not held in private session.

The meeting concluded at 7.01 pm

Signed by:

Chair
