

Sunnica Energy Farm Nationally Significant Infrastructure Project: delegation of submission of the Council's Written Representation

Report number:	CAB/WS/22/041	
Report to and date:	Cabinet	19 July 2022
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Decisions Plan: **The decision to consider and approve the Council's Written Representation in connection with the Sunnica Energy Farm proposals is included within the Decisions Plan, as it is a Key Decision. The content of this report; however, is for noting only.**

Wards impacted: **The Sunnica Energy Farm 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. The cable route also passes through Exning Ward. In addition, parts of the site in Cambridgeshire are close to areas associated with the Horse-Racing Industry in Newmarket.**

Recommendation: **In respect of the Sunnica Energy Farm Nationally Significant Infrastructure Project, it be noted that the preparation and submission of the Council’s Written Representation is delegated to the Portfolio Holder for Planning, in consultation with members of Cabinet, local ward members, the Chair of the Overview and Scrutiny Committee and the Director (Planning and Growth), to allow for submission to the Examining Authority by the deadline of 30 August 2022.**

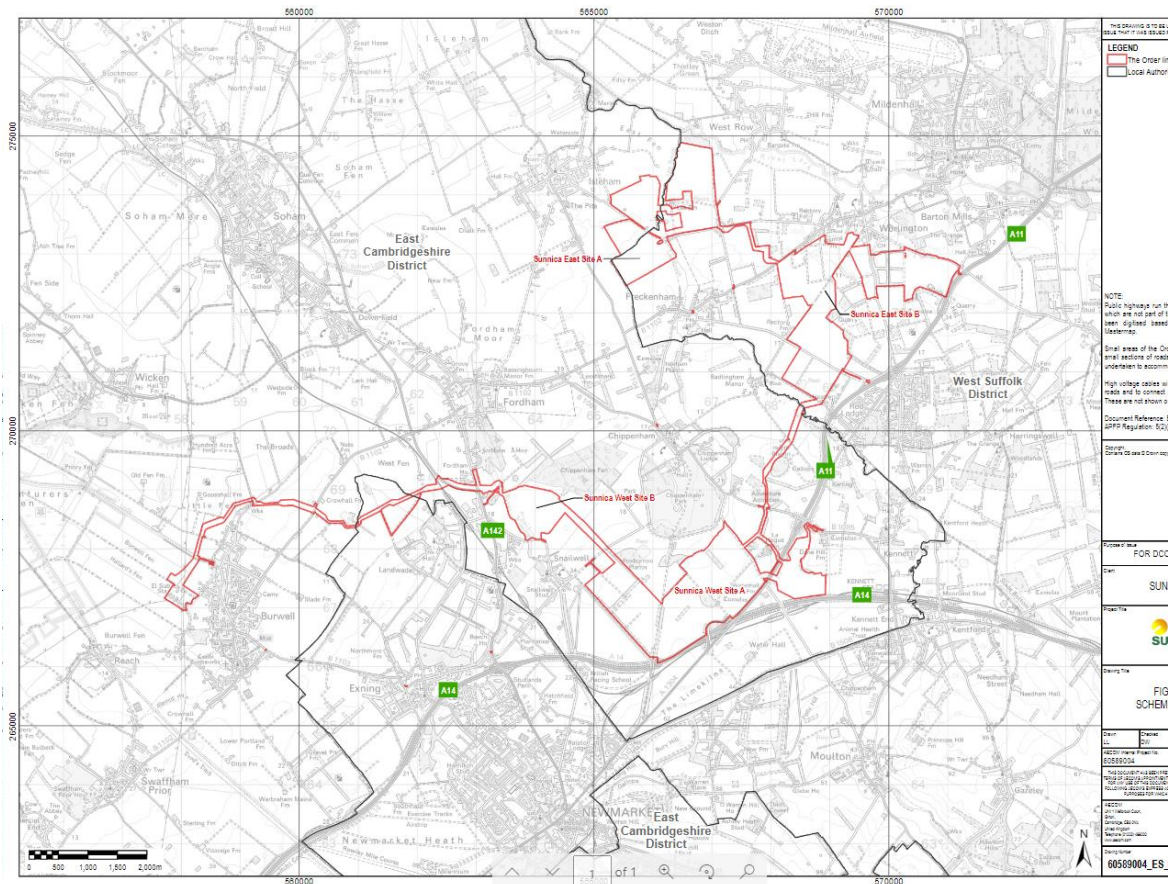
1. Context to this report

- 1.1 Sunnica Energy Farm is a scheme for the installation of solar photovoltaic (PV) generating panels and on-site battery energy storage systems (BESS) 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.

The scheme is situated across four sites:

- a. Sunnica East Site A, which is situated partly in West Suffolk and partly in East Cambridgeshire, is located approximately 3.5 kilometres (km) east of Mildenhall, 0.5km south-east of Isleham and 0.6km south-west of West Row
- b. Sunnica East Site B, located in West Suffolk, is approximately 1.5km south-east of Mildenhall, 1km east of Freckenham and immediately south of Worlington
- c. Sunnica West Site A, located in East Cambridgeshire, is approximately 7km to the east of Burwell, immediately north of the A14 at Newmarket
- d. Sunnica West Site B, located in East Cambridgeshire, is approximately 5.5km to the east of Burwell and 0.5km north of Snailwell

All locations will comprise ground mounted solar PV panel arrays, supporting electrical infrastructure and, with the exception of Sunnica West Site B, a BESS. A cable route (including interconnection between the sites) and an extension to the Burwell National Grid Substation are also proposed.



<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010106/EN010106-001879-SEF ES 6.3 Figure 1-1 Scheme Location.pdf>

- 1.2 The scheme is defined as a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 as it is an onshore generating station in England exceeding 50 megawatts (MW). Consent for an NSIP takes the form of a Development Consent Order (DCO). The application will be determined by the Secretary of State for Business, Energy, and Industrial Strategy (BEIS). The Council is a statutory consultee in the consenting process.
- 1.3 Sunnica submitted its application for a Development Consent Order for its proposals to the Planning Inspectorate on 18 November 2021. The Planning Inspectorate accepted the application for examination on 16 December 2021.
- 1.4 On 28 June 2022, the Examining Authority issued the Rule 6 letter, confirming the appointment of the Examining Authority and the invitation to the Preliminary Hearing that will take place on 26 July 2022. The letter also contains a Draft Examination Timetable that states that the Council’s Written Representation is to be submitted by 30 August 2022. All four affected local authorities will be subject to the same timetable and where appropriate it will be necessary to ensure that decisions are taken at a similar point in time.
- 1.5 The Written Representation is the most appropriate document for a local authority (separate from the Local Planning Authority) to set out its view on

the application, that is, whether or not it supports the application and its reasons.

- 1.6 At its meeting on 11 February 2020, Cabinet agreed the decision-making process in respect of the formal stages of the application process. The preparation and submission of the Written Representation is a Key Decision and is therefore an executive (Cabinet) decision, and has been included within the Decisions Plan as such.
- 1.7 Prior to the publication of the Draft Examination Timetable the Council shared its decision-making timetable with the Examining Authority and a request made that it was taken into account in the preparation of the Draft Examination Timetable.

2. Proposals within this report

- 2.1 The Draft Examination Timetable was published on 28 June 2022 and states that the Written Representation is due to be submitted by 30 August 2022.
- 2.2 The Council is currently in the process of preparing the Local Impact Report (a technical report giving details of the likely impact of the proposed development on the district). The Local Impact Report is due for submission to the Examining Authority by 17 August 2022 and Cabinet has agreed that this decision will be taken by the Portfolio Holder for Planning, in consultation with the Director (Planning and Growth) and local ward members. The Written Representation will draw upon the conclusions set out in the Local Impact Report and will allow the Council to form a view on whether it supports the application.
- 2.3 Unfortunately, Cabinet is unable to meet ahead of the submission deadline of 30 August 2022.
- 2.4 To ensure a Written Representation is submitted by 30 August 2022, it is noted that Cabinet has delegated the preparation and submission to the Examining Authority of the Written Representation to the Portfolio Holder for Planning, in consultation with members of Cabinet, the Local Ward Members, the Chair of the Overview and Scrutiny Committee and the Director (Planning and Growth) .

The Cabinet may delegate any decision to an individual Cabinet member who must then follow the procedure in the Council's Constitution in making that decision. Therefore, this delegation, as proposed in paragraph 2.4 above, still remains a Key Decision and will be published in line with the procedures for decision-making by an individual Portfolio Holder, as set out in Article 6; Appendix B of the Council's Constitution (The Cabinet).

3. Alternative options that have been considered

- 3.1 The Written Representation is a key document prepared by the local authority in which the development is located. The Examining Authority will take the Council's views into account in its assessment of the application and in its recommendation to the Secretary of State on whether a Development Consent Order should be granted. If the Council does not submit a Written Representation, the Examining Authority will not have the benefit of having a clear steer from the Council as to its view of the application.
- 3.2 Documents submitted after the deadline set in the Examination Timetable will only be accepted at the Examining Authority's discretion. The Council could consider the Written Representation at its September Cabinet meeting but there is no guarantee it will be accepted by the Examining Authority.
- 3.3 Notwithstanding the above, the examination process is designed to thoroughly test the key issues that have arisen the Council will have the opportunity to make its views known in its written and oral submissions.

4. Consultation and engagement undertaken

- 4.1 Regular updates are being provided to local members and their views will be sought on the content of the Written Representation. Regular engagement also takes place with the community action group. This engagement will continue throughout the examination.

5. Risks associated with the proposals

- 5.1 If the Council do not submit a Written Representation by the deadline set in the Examination Timetable, the Examining Authority will not have the benefit of having a clear steer from the Council as to its view of the application.

6. Implications arising from the proposals

- 6.1 An NSIP project of this size has the 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.
- 6.2 There may be financial risk to the Council and other public sector bodies if mitigation provided by the applicant is insufficient to alleviate impacts caused by the project.

- 6.3 An Equality Impact Assessment (EqIA) was not undertaken as the Council is responding to the planning proposals of the applicant. As such, it is the applicant that is required to satisfy the EqIA requirements as they promote their application. 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.

7. Appendices referenced in this report

- 7.1 None

8. Background documents associated with this report

- 8.1 Sunnica Energy Farm examination library:
[Sunnica Energy Farm | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/sunnica-energy-farm/)
- 8.2 West Suffolk Council Constitution: Article 6 The Cabinet – Procedure for decision-making by individual Portfolio Holders
([Part 2 - Article 6 - The Cabinet August 2021.pdf \(westsuffolk.gov.uk\)](#))