

# Sunnica Energy Farm Nationally Significant Infrastructure Project (NSIP): Written Representation

<b>Report number:</b>	<b>CAB/WS/22/057</b>	
<b>Report to and date:</b>	<b>Cabinet</b>	8 November 2022
<b>Cabinet member:</b>	Councillor David Roach Portfolio Holder for Planning Tel: 01440 768966 Email: <a href="mailto:david.roach@westsuffolk.gov.uk">david.roach@westsuffolk.gov.uk</a>	
<b>Lead officer:</b>	Julie Baird Director (Planning and Growth) Tel: 01284 757613 Email: <a href="mailto:julie.baird@westsuffolk.gov.uk">julie.baird@westsuffolk.gov.uk</a>	

**Decisions Plan:** Due to ensuring the representation is submitted by the required deadline of 11 November 2022, with the agreement of the Chair of the Overview and Scrutiny (O&S) Committee, the call-in procedure for this item has been suspended. The Chair of the O&S Committee is satisfied that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

**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:            It is recommended that:**

- 1.            Cabinet endorses the Written Representation to be submitted to the Examining Authority (attached as Appendix 1 to Report number: CAB/WS/22/057).**
  
- 2.            That the Director (Planning and Growth) in consultation with the Portfolio Holder for Planning, be authorised to make amendments to the Written Representation prior to its submission.**

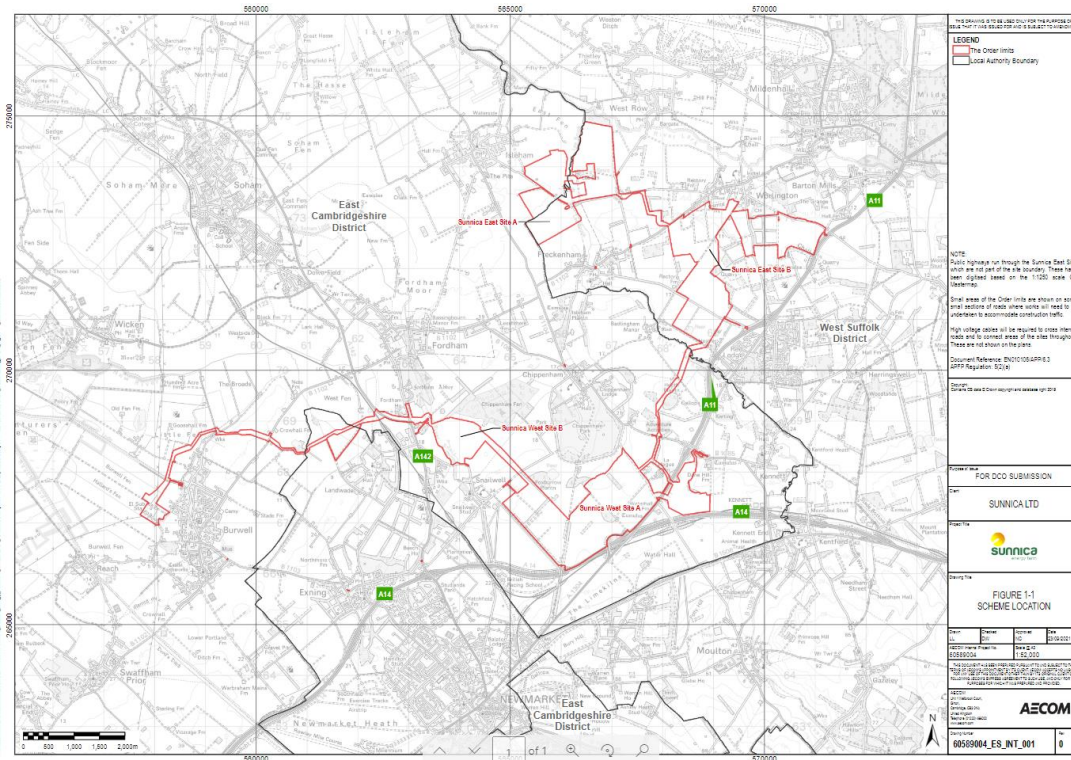
## 1. Context to this report

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, which will either involve an extension to the Burwell National Grid Substation or the installation of the necessary equipment within the solar panel sites to enable the generated power to be transported to the grid.

1.2 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; and
- 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 either an extension to the Burwell National Grid Substation or the installation of additional equipment on site 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>

- 1.3 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.
- 1.4 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.
- 1.5 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 on 26 July 2022. Following the Preliminary Hearing the Examining Authority made a procedural decision to delay the start of the examination. On 31 August 2022 the Examining Authority issued a further Rule 6 letter confirming that the Preliminary Meeting would be resumed on 28 September 2022. Following the resumption and conclusion of the Preliminary Meeting the six month examination period commenced and on 4 October 2022 the Examining Authority issued the Rule 8 letter giving details of the Examination Timetable, Written Representations, Procedural Decisions and Notification of Hearing and Accompanied Site Inspections. The

Examination Timetable requires the submission of the Council's Written Representation by 11 November 2022.

- 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. Cabinet has agreed that the decision to submit the Written Representation will be taken by Cabinet.

## **2. Proposals within this report**

- 2.1 A Written Representation is the most appropriate document for a local authority to set out its view on the application, i.e. whether or not it supports the application and its reasons. The Written Representation is distinct from the Local Impact Report, which is a technical document setting out an evidence-based assessment of the impacts of a proposal on the communities affected.
- 2.2 As noted at 1.1 and 1.2 above, the scheme is located across four sites within Suffolk and Cambridgeshire. Given that the impact of the development will be felt across four local authority boundaries, the preparation of a joint Local Impact Report by West Suffolk Council, East Cambridgeshire District Council, Suffolk County Council and Cambridgeshire County Council was considered to be the most appropriate way to provide the Examining Authority with a full and robust assessment of the impacts. The Local Impact Report was submitted to the Examining Authority on 19 October 2022. A link to the LIR can be found at section 8.3 below.
- 2.3 The four affected local authorities will submit individual Written Representations in order to express their views on the application, following the assessment of the impacts of the development through the Local Impact Report.

The Written Representation attached to this Report addresses the following matters:

- The significance of the proposed development together with an acknowledgement of the need for alternative sources of energy to be found. This is in the context of the climate change emergency that has been declared by the Council.
- The Council's general commitment to the principle of solar energy projects and the fact that it owns a solar farm.
- A brief description of the area including the key characteristics and landscape features that make up the application site within West Suffolk.
- An acknowledgement that an NSIPs of this nature is subject to the National Policy Statements relating to Energy (EN-1 Overarching National Policy Statement for Energy and EN-3 National Policy Statement for Renewable Energy) and that the application will be assessed against these policies. However, the Council has a raft of local

policy which it considers should be taken into account and that the scheme as proposed is contrary to many of these policies. In particular, if the application were to be assessed against the Council's policy on low and zero carbon energy it would be found to be contrary to that policy.

- The Council's concerns as they relate to the following key areas:

Landscape and visual amenity – The scale, duration and geographical extent of the proposal is such that it is likely to result in widespread and significant adverse landscape impacts. Elements of the scheme should be redesigned and the Applicant should propose more ambitious, robust and deliverable and properly secured mitigation proposals. The longevity of the impacts goes beyond the lifespan of PV panels. Impacts on the character, amenity and sense of place.

Ecology and biodiversity – in relation to the quality of the baseline survey work, areas in which mitigation and/or compensation measures designed to address impacts are either inadequate, too vaguely defined or inadequately secured by the proposed Development Consent Order and the fact that the Council does not agree with the Applicant's assessment that there would be no significant residual effects to ecological receptors.

Socio-economics and land use – Agricultural land use (noting the concerns that are being raised by the community in respect of the accuracy of the Applicant's Soils and Agriculture Baseline Report) and the concerns regarding food security arising from the loss of land to agriculture. Potential for adverse impacts on the horse racing industry and tourism.

Traffic impacts – Concerns raised by the local highway authorities (Suffolk County Council and Cambridgeshire County Council) in relation to the Applicant's Transport Assessment and the impact of construction traffic on the District's road network (including Public Rights of Way).

Battery Energy Storage System (BESS) safety – Concerns raised by the Suffolk and Cambridgeshire Fire and Rescue Services (also noting the concerns being raised by the community).

Flood Risk, Drainage and Water Resources – The need for the Lead Local Flood Authorities (Suffolk County Council and Cambridgeshire County Council) to be provided with sufficient evidence to demonstrate that a suitable drainage solution can be delivered as the information accompanying the application lacks required information.

Community impacts - The nature, size and duration of the construction phase of this development is likely to cause complaints of adverse effect on nearby sensitive receptors in relation to noise and vibration. Impact on the general health and wellbeing of the community caused by the prolonged consultation and pre-examination phases and the lack of detail causing widespread uncertainty.

- A recommendation that a Development Consent Order is not granted in respect of the application for the development in its current form.

### **3. Alternative options that have been considered**

- 3.1 The Written Representation is one of the key documents prepared by the local authorities responsible for the area(s) in which the proposed development is located. The Examining Authority will take the contents of the Written Representation into account in its assessment of the application and its recommendation to the Secretary of State on whether Development Consent should be granted. If the Council do not submit a Written Representation the Examining Authority will not have the benefit of knowing that the Council does not support the proposed development in its current form.
- 3.2 Notwithstanding the above, the examination process is designed to thoroughly test the key issues that have arisen and the Council will have the opportunity to make its views known in other written and oral submissions.

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

- 4.1 Regular updates are being provided to local members and the view of the member for Manor Ward has been 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.
- 4.2 An all-member briefing was held on 19 October 2022 to inform members that the Examination has now commenced and explain the various stages in the process and address how the Council will engage with it.

### **5. Risks associated with the proposals**

- 5.1 If the Council does not submit a Written Representation by the deadline set in the Examination Timetable its views on whether Development Consent should be granted will not be clear to the Examining Authority.

### **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, that could translate into additional spending by the workforce in the local economy.
- 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. In particular this may relate to the investigation and enforcement of the Requirements in relation to matters such as nuisance and pollution.

- 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. The decision maker, in this case the Secretary of State for Business, Energy, and Industrial Strategy (BEIS), is required to have regard to the Public Sector Equality Duty.

## **7. Appendices referenced in this report**

- 7.1 Appendix 1 – The Written Representation of West Suffolk Council

## **8. Background documents associated with this report**

- 8.1 Sunnica Energy Farm examination library:  
[Sunnica Energy Farm | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://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 \(westsuffolk.gov.uk\)](#))
- 8.3 Joint Local Impact Report  
[EN010106-003658-Suffolk County Council - Local Impact Reports \(LIR\) from local authorities.pdf \(planninginspectorate.gov.uk\)](#)