

Sunnica Energy Farm Nationally Significant Infrastructure Project – Statement of Common Ground (SoCG)

Report number:	CAB/WS/23/012	
Report to and date:	Portfolio Holder Decision	9 March 2023
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Decisions Plan:

Due to ensuring the Statement of Common Ground is submitted into the Examination by Sunnica at the required deadline of 13 March 2023, 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:

- 1. It is recommended that the Portfolio Holder for Planning approves the draft Statement of Common Ground (A draft of which is included at Appendix 1 to Report number CAB/WS/23/012)**

- 2. That the Director (Planning and Growth), in consultation with the Portfolio Holder for Planning, be authorised to make amendments to the draft Statement of Common Ground, prior to its submission into the Examination by the required deadline of 13 March 2023.**

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.
- 1.2 The scheme is now situated across three sites (Sunnica West B having been removed from the scheme by the Applicant):
 - 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

All locations will comprise ground mounted solar PV panel arrays, supporting electrical infrastructure and a BESS. A cable route (including interconnection between the Sites) will connect the parcels to the Burwell National Grid Substation.

- 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. The Examination commenced on 29 September 2022 and is due to be completed by 28 March 2023. The Council has submitted various representations into the Examination, including the Local Impact Report (prepared jointly with the three other affected local authorities) and the Council's Written Representation on the scheme.
- 1.5 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 agree the Statement of Common Ground will be taken by the Cabinet Member for Planning, in consultation with the Director (Planning & Growth) and Local Ward Members.

2. Proposals within this report

- 2.1 The Statement of Common Ground is designed to clearly identify matters agreed, matters currently the subject of negotiation, and those matters which are not agreed between the parties. The preparation of a SoCG in respect of this case has been an iterative process and the document reflects the nature of the on-going discussions between Sunnica and the four affected local authorities on the numerous technical issues that have arisen as a result of the application. These discussions have taken place in a variety of ways including through a series of technical workshops and meetings, the written submissions that have been made by the Councils into the Examination and the Examination hearings.
- 2.2 As the Examination nears its conclusion it is necessary for the parties to review and finalise the SoCG in advance of the close of the Examination. The Examining Authority can then rely on the document for the purposes of reporting on the application to the Secretary of State.
- 2.3 It should be noted that just because a matter has been agreed in a SoCG this does not necessarily mean that the issue will not be the subject of further questioning by the Examining Authority, who may want to test the basis upon which agreement was reached on a particular issue. Other interested parties may also object to the position set out in the SoCG.
- 2.4 Sunnica is in the process of preparing SoCGs with other interested parties including the affected Parish Councils, the community action group and several other bodies such as statutory undertakers. The SoCG with the local authorities does not therefore reflect the position of other interested parties who may have a different view on a particular subject.
- 2.5 The current draft SoCG is attached to this report as Appendix 1. Sunnica are required to submit the final agreed version of the SoCG into the Examination on 13 March 2023. It is expected that the local authorities will continue to discuss technical matters with Sunnica up to the point of submission, therefore it is recommended that the Director (Planning and Growth) in consultation with the Portfolio Holder for Planning, be authorised to make amendments to the draft SoCG prior to its submission into the Examination.
- 2.6 At present the SoCG makes reference to a number of matters that are agreed between the parties. These include issues such as the application of appropriate legislation and policy, study area definition and extent and the application of expert/professional judgments. The document identifies the environmental area in which these general matters are agreed. Similarly, where the baseline data collection and methods and assessment findings are agreed this is noted. Following discussions with Sunnica the local authorities have been able to agree where certain topic areas can be closed out.

- 2.7 The matters under discussion section of the document still contains a number of areas where discussions are ongoing. In particular there is, at present, no agreement in relation to key elements of the applicant's ecological and nature conservation strategy, the landscape and visual impacts of the scheme, the Applicant's assessment of socio-economics and land use assessment and various technical matters in relation to transport and access remain outstanding.
- 2.8 At present the applicant has confirmed that two topic areas are not agreed and are not likely to be agreed even if further discussion takes place. These relate to whether the proposed construction working hours that Sunnica has put forward are appropriate and the level of harm that will be caused to the Chippenham Park complex (located in East Cambridgeshire). It is expected that any matters that are currently in the matters under discussion section and are not expected to be resolved by the close of the Examination will be moved to the matters not agreed section.

3. Alternative options that have been considered

- 3.1 The SoCG is one of the key documents that the Examining Authority will take into account in its assessment of the application and its recommendation to the Secretary of State on whether Development Consent should be granted. The applicant is encouraged to seek agreement with the local authorities wherever possible and it is in the interests of the Council to ensure that its position at this stage of the Examination is clearly set out for the Examining Authority. The SoCG is the best way of achieving this.
- 3.2 Notwithstanding the above, the examination process is designed to thoroughly test the key issues that have arisen and the Council will have further opportunities to make its views known in the remaining written submissions for the Examination.

4. Consultation and engagement undertaken

- 4.1 Regular updates are being provided to local Members and their views will be sought on key matters relating to the application. Regular engagement also takes place with the community action group. This engagement will continue throughout the Examination.
- 4.2 As stated above, the applicant is seeking to agree SoCGs with other interested parties such as the Parish Council Alliance and community action group.

5. Risks associated with the proposals

- 5.1 If the Council does not agree the final version of the SoCG the Examining Authority will not have the benefit of a very clear and succinct document that sets out where matters are and are not agreed between the applicant and the local authorities.

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 – Draft Statement of Common Ground with Cambridgeshire County Council, Suffolk County Council, East Cambridgeshire District Council and 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)
- 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 \(westsuffolk.gov.uk\)\)](#)