



# SUNNICA ENERGY FARM

EN010106

8.19 Draft Statement of Common Ground with National Grid  
Electricity Transmission plc

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010



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**The Infrastructure Planning  
(Examination Procedure) Rules 2010**

## **Sunnica Energy Farm**

### **8.19 Draft Statement of Common Ground with National Grid Electricity Transmission plc**

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# 1 Introduction

## 1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed Sunnica Energy Farm Development Consent Order ("the Application") made by Sunnica Limited ("Sunnica") to the Secretary of State for Department for Business, Energy and Industrial Strategy ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2 The Order, if granted, would authorise Sunnica to construct, operate (including maintain) and decommission ground mounted solar photovoltaic ('PV') panel arrays across Sunnica East Site A, Sunnica East Site B, Sunnica West Site A and Sunnica West B. The Scheme includes the following key components:
- a. Solar PV modules;
  - b. PV module mounting structures;
  - c. Inverters;
  - d. Transformers;
  - e. Switchgear;
  - f. Onsite cabling (including high and low voltage cabling) and cabling between the Sites and to the (asset referred to in the Application as) Burwell National Grid Substation Extension<sup>1</sup>;
  - g. One or more BESS (expected to be formed of lithium ion batteries storing electrical energy) on Sunnica East Site A, Sunnica East Site B, and Sunnica West Site A;
  - h. An electrical compound comprising a substation and control building (Sunnica East Site A, Sunnica East Site B, and Sunnica West Site A only).
  - i. Burwell National Grid Substation Extension, should Burwell National Grid Substation Extension Option 2 be taken forward;
  - j. Office/warehouse (Sunnica East Site A and Sunnica East Site B only)
  - k. Fencing and security measures;
  - l. Drainage;
  - m. Internal access roads and car parking;

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<sup>1</sup> The Burwell National Grid Substation Extension is required if Option 2 for connecting the Scheme into the grid is required. The Burwell National Grid Substation Extension would be owned and operated by the Applicant and would not be a National Grid Electricity Transmission plc asset. NGET have requested that the name of the asset be changed to reference to National Grid in light of the fact that this will not be a National Grid asset (see Table 4 at paragraph 3.2.1)

- n. Landscaping including habitat creation areas; and
- o. Construction laydown areas.

- 1.1.3 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.
- 1.1.4 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing the parties to identify and so focus on specific issues that may need to be addressed during the examination.

## 1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Sunnica as the Applicant and (2) National Grid Electricity Transmission plc (“NGET”).
- 1.2.2 NGET is the owner and operator of the high voltage transmission network across the UK. NGET own and operate the Burwell National Grid Substation and it is the landowner of some land in the environs of that substation.
- 1.2.3 Collectively Sunnica and NGET are referred to as ‘the Parties’.

## 1.3 Terminology

- 1.3.1 In the table in the Issues chapter of this SoCG:
- a. “Agreed” indicates where the issue has been resolved.
  - b. “Not Agreed” indicates a final position of the Parties that is not agreed, and
  - c. “Under discussion” where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the Parties.
- 1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to NGET’s representation and therefore have not been considered in this document.

## 2 Record of Engagement

- 2.1.1 The Parties have been engaged in consultation since the beginning of the proposed Scheme. A summary of the key meetings and correspondence that has taken place between Sunnica and NGET in relation to the Application is outlined in **Table 1**.

**Table 1: Record of Engagement pre application.**

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
24 November 2020	Online Meeting	All parties meeting held. An overview of the Scheme was provided by Sunnica and proposals for

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		substation extension Options 1 and 2 were presented.
30 November 2020	Email	Initial comments provided by Sunnica on National Grid heads of terms for option for lease and easement.
14 December 2020	Email	Comments returned by National Grid and table of comparable rents provided.
10 February 2021	Online Meeting	All parties meeting held. Overview of National Grid asset interactions provided by Sunnica and requirement for lease at the Burwell Main Substation revisited. Protective provisions also discussed and National Grid legal to be instructed.
02 March 2021	Online Meeting and Email	High level discussion on technical deliverability of the Scheme and National Grid's proposals to extend the Burwell Main Substation.
05 March 2021	Email	National Grid instructed Dalcour Maclaren as their agent.
05 March 2021	Email	Email from National Grid's lawyers sending draft protective provisions.
08 March 2021	Email	Dalcour Maclaren provided an overview of technical clearance to use the National Grid non-operational land. Provisional timelines and next steps provided.
16 March 2021	Email	Email from Sunnica's lawyers in relation to negotiation of protective provisions.
30 March 2021	Email	Email from National Grid's lawyers in relation to negotiation of protective provisions.
March/April 2021	Email	Correspondence between the Parties about the Heads of Terms.
26 April 2021	Phone	Sunnica and National Grid confirmed that a single, isolated location has been allocated for the Sunnica point of connection to the Burwell National Grid Substation. Sunnica to progress the legal plan for the heads of terms and lease.
28 April 2021	Email	Heads of terms issued to Sunnica by National Grid (Dalcour Maclaren).
29 April 2021	Email	Sunnica requested head of terms to reflect Dalcour Maclaren's proposals on 08 and 11 April 2021.
14 May 2021	Email	Sunnica requested an update on the heads of terms following their comments on 29 April 2021.
18 May 2021	Email	Dalcour Maclaren provided revised head of terms.



Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
01 June 2021	Email	Email from Sunnica's lawyers sending comments on protective provisions.
22 June 2021	Email	Detailed comments provided on heads of terms by Sunnica legal.
23 July 2021	Email	Email from National Grid's lawyers in relation to negotiating protective provisions.
02 August 2021	Online Meeting	Meeting between Sunnica and National Grid. The proposed point of connection was discussed and National Grid took away an action to confirm if Sunnica is going to be able to utilise the Option 1 land for the National Grid substation extension before making the DCO submission application.
11 August 2021	Email	National Grid reverted on points regarding new road access from Newnham Drove, overhead line diversions and drainage board assets. National Grid made no objection to the Option 1 land being utilised.
17 August 2021	Email	Email from National Grid's lawyers with comments on protective provisions.
20 August 2021	Email	Email from Sunnica's lawyers in relation to negotiating protective provisions and potential SoCG.
03 September 2021	Email	Email from Sunnica's lawyers with comments on draft protective provisions.
08 September 2021	Email	Sunnica requested formal response on deliverability of Options 1 and 2 for the substation extension.
09 September 2021	Email	National Grid responded confirming:  Option 1: <ul style="list-style-type: none"> <li>- Separation between the proposed National Grid and Sunnica fence needs to be minimum 5m.</li> <li>- The section of drain would be removed for the substation extension and diverted (if possible).</li> </ul> Option 2 – <ul style="list-style-type: none"> <li>- The location of the Sunnica 400kV bay inside the substation would be the same as Option 1. The proposed bay location is not available.</li> <li>- Due to the transportation of the transformer to the substation site, the junction between</li> </ul>

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		Newnham Drove and Weirs Drove would need to be reconfigured.
12 October 2021	Email	Detailed comments provided on heads of terms by Dalcour Maclaren in response to Sunnica's comments on 22 June 2021.
04 November 2021	Online Meeting	<p>All parties meeting between Sunnica and National Grid. The following notes were provided as a summary of current negotiations:</p> <ul style="list-style-type: none"> <li>- Technical work involving a combination of Smith Brothers, AECOM and Sunnica to understand the potential layout and constraints relating to the substation layout and location.</li> <li>- Technical drawing produced and feasibility being confirmed by National Grid.</li> <li>- Commercial negotiations driven by WSP supported by Pinsent Masons to negotiate heads of terms with the key commercial terms.</li> <li>- Protective provisions driven by Pinsent Masons. National Grid are to be supported by Eversheds Sutherland.</li> </ul> <p>National Grid confirmed verbally that Option 1 was feasible. It was also confirmed that was Option 2 was feasible.</p>
05 November 2021	Email	Dalcour Maclaren asked for update on terms.
09 November 2021	Email	Following the discussions on 04 November 2022 which verbally confirmed the feasibility of Option 1 and Option 2, Sunnica responded confirming that the design of the National Grid substation connection is being finalised and once the plan is available, Sunnica would be able to proceed with the terms.
06 December 2021	Email	Sunnica's agent provided works plans and an update on the Heads of Terms
16 December 2021	Email	Request from Sunnica for an update on the proposed substation site



**Table 2: Record of Engagement since the application was submitted.**

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
12 January 2022	Email	Sunnica request for a meeting to be held on 20 January 2022 to discuss Heads of Terms
14 January 2022	Email	Email from Sunnica's lawyers requesting an update on the draft protective provisions.
19 January 2022	Email	Email from National Grid's agent to say they would not be attending the meeting on 20 January 2022
25 January 2022	Email	Email advising that National Grid now need to consider the technical feasibility of the scheme alongside their own proposals to expand the substation
26 January 2022	Email	Email from National Grid's lawyers confirming that negotiations on the protective provisions are on hold whilst engineering discussions are ongoing.
01 March 2022	Email	Email from Sunnica's lawyers requesting an update on the draft protective provisions.
10 March 2022	Meeting	Meeting between Sunnica and National Grid to discuss options at Burwell substation
18 July 2022	Email	Email from Sunnica's lawyers requesting an update on the draft protective provisions.
1 August 2022	Email	Email from National Grid's lawyers with comments on protective provisions.
12 August 2022	Email	Sunnica's agent contacted National Grid's agent to progress discussions for easement to connect to Burwell main substation
26 August 2022	Email	Response to 12 August email and the formal process of clearance for an easement started
19 August 2022	Email	Email from National Grid's lawyers requesting an update on whether a SoCG will be submitted on 30 August 2022.
24 August 2022	Email	Email from Sunnica's lawyers with comments on the protective provisions, requesting a general update from National Grid and confirming an SoCG won't be submitted on 30 August 2022 as the Examination timetable has changed following the adjournment of the first part of the Preliminary Meeting.
30 August 2022	Email	Email from Sunnica's lawyers in relation to negotiating the protective provisions.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
31 August 2022	Meeting	<p>National Grid explained that a new grid connection had been accepted which made Option 1 in the Application 'technically not feasible'.</p> <p>Sunnica requested the precise location of the point of connection within National Grid operational land. National Grid took an action to provide a drawing and to consider whether it is to be accompanied by a signed statement explaining the level of reliance Sunnica can place on the drawing.</p> <p>Sunnica had submitted documents for ATV to National Grid on 11 July 2022, which National Grid were to review ahead of meeting on 14 September 2022.</p>
14 September 2022	Meeting	<p>National Grid confirmed: (a) the length of the cable and the existence of the shunt reactor; and (b) that the drawing was available for the precise location of the point of connection and was to be sent to Sunnica once reviewed.</p> <p>National Grid also took an action to carry out further work in relation to the potential impact on fault infeed data and whether this could be included within ATV (with an aim of sending the ATV to Sunnica by 28 September 2022).</p>
22 September 2022	Meeting	<p>The following was agreed:</p> <ul style="list-style-type: none"> <li>- National Grid to issue a Letter and drawing on 27 September 2022 to confirm location details.</li> <li>- National Grid to have further discussions as soon as possible so that an ATV is possible instead of a modification application.</li> <li>- Approach to be agreed at a follow up meeting on 06 October 2022.</li> </ul>
27 September 2022	Email	National Grid confirmed that there is no need to update the appendices to the Application as the fault infeed data will be unchanged in both DRC documents are the same and the minor changes in DRC_Rev08 do not change the study results.
28 September 2022	Letter & Drawing	The letter from National Grid to Sunnica confirmed the grid point of connection and stated that there is no need for a modification application from a technical perspective.
30 September 2022	Email	Email from National Grid's lawyers in relation to negotiating the protective provisions.
06 October 2022	Meeting	<b>Grid connection – no need for ATV</b>

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		Confirmation given that no ATV is needed either. National Grid took an action to confirm everything in writing to Sunnica.
13 October 2022	Email	National Grid provided the written confirmation referred to at the 06 October 2022 meeting.
28 October 2022	Email	Email from Sunnica's lawyers sending the draft SoCG for review.
04 November 2022	Email	Sunnica's agent provided a revised easement plan with other enquiry documentation. Clearance process for the easement is now ongoing
14 December 2022	Meeting	Meeting between NGET, Sunnica and their legal teams to discuss the matters under discussion in the SoCG, the status of the protective provisions and for the Applicant to give an update on Option 2 and Option 3 for connecting into the Burwell Substation, including the upcoming change request to remove Option 2 from the Application.

- 2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between the Parties in relation to the issues addressed in this SoCG.
- 2.1.3 Both Parties have agreed that engagement to date has been positive and collaborative and that this engagement will need to continue throughout the DCO process, detailed design and construction stage and beyond.
- 2.1.4 The issues and matters highlighted in Tables 3, 4 and 5 summarise the key issues that have been in discussion between the Parties.

## 3 Issues

### 3.1 Matters Agreed

3.1.1 **Table 3** below details the matters agreed with NGET.

**Table 3: Matters agreed**

Topic	Sub-topic	Details of Matters Agreed
The connection of the Scheme into the Burwell National Grid Substation	Option 3	<p>Sunnica made an application to the Secretary of State to change its Application on 30 August 2022 ('Changes Application'). The Changes Application consists of those documents with document reference numbers AS-242 to AS-312 in the Examination library.</p> <p>The Parties agree that Option 3 for the connection of the Scheme into the Burwell National Grid Substation is 'technically feasible' and neither party foresees any impediment to connecting the Scheme into the National Grid using Option 3 as presented in the Changes Application.</p> <p>NGET has a Transmission Owner Connection Agreement ("TOCA") with National Grid Electricity System Operator ("NGESO") to connect the Scheme to the National Electricity Transmission System ("NETS"). This TOCA stipulates that NGET will connect the Scheme by converting Burwell National Grid Substation to a double busbar arrangement and extending the main and reserve busbar. This upgrade would accommodate the connection of the Scheme utilising Option 3 as presented in the Changes Application.</p>
Location of the proposed Burwell National Grid Substation Extension.	Option 1  The basis upon which two options for location of the Burwell National Grid Substation Extension was included in the application for Development Consent.	<p>It is agreed that prior to the Application being submitted to the Secretary of State that Sunnica engaged with NGET as set out in Table 1 of this SoCG. This engagement included production of several iterations of designs for Burwell National Grid Substation Extension to be located on land identified as Option 1 and presented on Figure 3.20 of the ES (APP-161).</p> <p>The final design is shown at Appendix 1 SoCG. That design was shared with NGET and it was agreed with NGET in a meeting dated 4 November 2021 that at that stage the design appeared acceptable to NGET and an acceptable way to move forward to DCO application.</p> <p>It was determined by NGET, following acceptance of the Application, that Option 1 (as presented on Figure 3.20 of the ES (APP-161)) was no longer available to Sunnica.</p>
Development Consent Order	Work No. 5	<p>The dDCO has been updated at Deadline 4 so that NGET does not have the benefit of Work No.5 as requested by NGET in its representations.</p>
Location of the proposed Burwell National Grid Substation Extension.	Option 2	<p>The location of the substation on the land marked as Option 2 on Figure 3.20 of the ES (APP-161) is acceptable to NGET and capable of being connected into Burwell National Grid Substation.</p>

## 3.2 Matters Under Discussion

3.2.1 **Table 4** below details the matters under discussion with NGET.

**Table 4: Matters under discussion**

Topic	Sub-topic	Details of Matters Under Discussion
Development Consent Order	Protective Provisions	The protective provisions are subject to negotiation between the Parties but it is expected they will be agreed by the end of the examination.
Name of the Promoter's proposed substation extension	"Burwell National Grid Substation Extension"	<p>The substation extension has been labelled in the Application, and is currently being labelled, as the "<i>Burwell National Grid Substation Extension</i>".</p> <p>The substation extension will not be a NGET asset and as such would need to be renamed in the application documents. In any case, NGET believe that this Sunnica asset has now fallen away following the removal of Option 1 from the dDCO. The Applicant has confirmed that the Burwell National Grid Substation Extension is still required for Option 2, but not for Option 3, and the Applicant intends to submit a change request shortly for the removal of Option 2 from the application.</p> <p>NGET and the Applicant are in discussions about this and expect to reach a position that is mutually agreeable soon.</p>

## 3.3 Matters Not Agreed

**Table 5** below details the matters not agreed with NGET.

**Table 5: Matters not agreed**

Topic	Sub-topic	Details of Matters Not Agreed
Name of the Promoter's proposed substation extension	"Burwell National Grid Substation Extension"	<p>The substation extension has been labelled in the Application, and is currently being labelled, as the "<i>Burwell National Grid Substation Extension</i>".</p> <p>This will not be a NGET asset and as such would need to be renamed in the application documents.</p> <p>NGET and the Applicant are in discussions about this and expect to reach a position that is mutually agreeable soon.</p>

## 4.0 SIGNATURES

This Statement of Common Ground is agreed:

**On behalf of National Grid Electricity Transmission plc:**

Name

Signature

Date

**On behalf of the Applicant:**

Name

Signature

Date